3199 Walworth Road Walworth, NY 14568 May 22, 2021

VIA FAX
Hon. Frank P. Geraci, Jr.
Chief United States District Judge
U.S. Courthouse
100 State Street
Rochester, New York 14614
Telephone: (585) 613-4090

Fax: (585) 613-4095

RE: Leo v NYSDEC et al. - #2020-cv-7039

Dear Judge Geraci,

This letter is concerning the attempts the court has made in serving the federal defendants in the aforecaptioned matter.

Several times already the court staff has altered the papers I've sent in to include an entirely different address for the parties; that is, 555 Fourth Street N.W. Washington D.C. 20530. This was an address I tried several attempts ago and since then it appears the staff may have kept the address saved in their electronic templates of the process receipts and failed to change the addresses - most likely unintentionally. The result of this failure has been rejected service due to lack of jurisdiction since the address is erroneous.

Included with this letter are papers for another attempt at serving the process correctly to the federal defendants for the following addresses, which I request are not altered should the staff need to reprint the forms from their templates for any reason. We've firmly established there is no person or entity to serve at 555 Fourth Street N.W. Washington, D.C. and thus any future attempts in doing so would be fruitless and a waste of court resources.

Each address is used for two federal defendants; that is, the USDA and Andrea D'Ambrosio. Sonny Perdue, no longer working for the USDA as Secretary, will be withdrawn voluntarily by the plaintiff as a defendant and thus will be reflected in the updated caption in the plaintiff's response to the defendant's *Motion for Dismissal*. The plaintiff's response will also consist of the *First Amended Complaint*.

United States Department of Agriculture ATTN: Civil Process Clerk USDA Office of the General Counsel-Regional Office 1718 Peachtree Street, N.W., Suite 576 Atlanta, Georgia 30309-2409

United States Department of Agriculture ATTN: Civil Process Clerk Office of the General Counsel - Headquarters Room 107W Whitten Building 1400 Independence S.W. Washington, D. C. 20250-1400



United States Attorney James P. Kennedy, Jr., U.S. Attorney 138 Delaware Avenue U.S. Attorney's Office Federal Centre Buffalo, NY 14202

Merrick Garland, U.S. Attorney General U.S. Attorney General's Office 950 Pennsylvania Avenue, NW Washington, D.C. 20530

Each of the foregoing addresses will have one *Process Receipt and Return*, one *Notice and Acknowledgment of Receipt of Summons* and *Complaint* by Mail and one *Summons*. All three forms will have both the USDA and Andrea D'Ambrosio's name on them.

Thank you.

(anya)

enclosures

cc: VIA EMAIL brittany.haner@ag.ny.gov

Brittany M. Haner, Esq. | Assistant Attorney General

NYS Office of the Attorney General

Environmental Protection Bureau

The Capitol | Albany, N.Y. 12224

Tel 518-776-2389 | Fax 518-650-9364

Brittany.Haner@ag.ny.gov

Case 6:20-cv-07039-FPG Document 30 Filed Colors Receipt AND RETURN U.S. Department of Justice

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Carrie M. Leo						20-cv-7	′039	
DEFENDANT						TYPE OF PROCES	3S	
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SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service): Hours of Operation: Unknown (not found on website) General Phone # (202) 514-2000 email: attorney.general@usdoj.gov								
Signature of Attorney other Originato	r requesting servi	ice on behalf of:	□ PLAIR	NTIFF	TELEPHONE 1	NUMBER	DATE	
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I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted) Total Process District to Signature of Authorized USMS Deputy or Clerk Serve No. No.								
I hereby certify and return that I _ have personally served, _ have legal evidence of service, _ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.								
☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)								
Name and title of individual served (if not shown above) Date					Date	Time		
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U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court for the Western District of New York

	Western District of P	New York				
то.	United States Department of Agriculture and Andrea D'Ambrosio	Civil Action, File Number	20-CV-7039			
TO:	Merrick B. Garland, U.S. Attorney General	Carrie M. Leo v.				
	United States Department of Justice 950 Pennsylvania Avenue, NW					
	Washington, D.C. 20530	NYSDEC 6	et al.			
New You	enclosed summons and complaint are served pursuant to Ruork State law. MUST COMPLETE the acknowledgment part of this form bound days. An envelope has been enclosed for this purpose. Keep	elow, AND RETURN COPIES 1				
corporat	U MUST SIGN AND DATE THE ACKNOWLEDGMENtion, unincorporated association (including a partnership), or ship to that entity. If you are served on behalf of another per under your signature your authority.	other entity, you must indicate un	ider your signature you			
behalf y	ou do not complete and return copies 1 and 2 of this form to rou are being served) may be required to pay any expenses in permitted by law.	the sender within 60 days, you (or acurred in serving a summons and	the party on whose complaint in any other			
answer	ou do complete and return copies 1 and 2 of this form, you (of the complaint within 21 days for private defendants and/or 6 nt by default will be taken against you for the relief demands	0 days for Federal defendants. If	re being served) must you fail to do so,			
I de	clare, under penalty of perjury, that this Notice and Acknow iled on this date.	ledgment of Receipt of Summons	and Complaint By Mai			
Date of S	ignature	Signature (USMS Official)				
	ACKNOWLEDGMENT OF RECEIPT OF	SUMMONS AND COMPLAIN	NT			
I de manner a	clare, under penalty of perjury, that I received a copy of the summat:	ons and of the complaint in the above	captioned			
Stree	et Number and Street Name or P.O. Box No.	Relationship to Entity/Authority to Re	eceive			
City	, State and Zip Code	Service of Process				
Sign	ature	Date of Signature				

Copy 1 - Clerk of Court

Copy 2 - United States Marshals Service

Copy 3 - Addressee

Copy 4 - USMS District Suspense

USM Form-299 Rev. 05/10 Automated 10/03

United States District Court

for the

Western District of New York

Carrie M. Leo, Plaintiff,

-v-

New York State Department of Environmental Conservation & the United States Department of Agriculture and the following INDIVIDUALS in their individual and official capacities: BASIL SEGGOS - Commissioner, SONNY PERDUE - Secretary, WILLIAM POWELL - Lieutenant/Captain, DEC Division of Law Enforcement, JOSEPH THERRIEN - Director, Special Licenses Unit, ANDREA D'AMBROSIO - USDA Animal Care Inspector and John/Jane Does #1-15,

Civil Action No.: 6:20-cv-07039

Defendants.

SUMMONS IN A CIVIL ACTION

To:

United States Department of Agriculture, Andrea D'Ambrosio - Animal Care Inspector

U.S. Attorney General's Office 950 Pennsylvania Avenue, NW Washington, D.C. 20530

A lawsuit has been filed against the aforementioned staff of the United States Department of Agriculture.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Carrie M. Leo 3199 Walworth Road Walworth, NY 14568 ph: (315) 538-8316

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

		CLERK OF COURT
Date:	2021	Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No.: 6:20-cv-07039

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

This summons for the <u>U</u> 2021.	U.S. Attorney General was rece	ived by me on (date)		
☐ I personally served t	the summons on the individual	at (place)		
*	, 2021; o			
person of suitable ag		usual place of abode with (name) nere, on ldress; or		, a
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designated by law to a	ccept service of process on beh	alf of (name of organization)		
		on (date)	; or	
				; or
☐ Other (specify):				
My fees are \$	for travel and \$	for services, for a total of \$_		
I declare under penalty	of perjury that this information	n is true.		
Date:	2021		*******	
		Server's signature		
		Printed name and title	жетемендей.	
		Server's address		

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Western District of New York State

Fourth Division

00 at 7020 EDO

	Case No. 20-cv-7039-FFG
	to be filled in by the Clerk's Office)
Carrie M. Leo	
Plaintiffes)	givening greatery a
) ~~~~	Jury Trial: (check one) Yes No
New York State Department of Environmental Conservation & the United Stated Department of Agriculture and the following INDIVIDUALS, in their individual and official capacities:BASIL SEGGOS - Commissioner, SONNY PERDUE - Secretary, WILLIAM POWELL - Lieuteanant/Captain,DEC Division of Law Enforcement, JOSEPH THERRIEN - Director, DEC Special Licenses Unit, ANDREA D'AMBROSIO - USDA Animal Care Inspector and *John/Jane Does #1-15.	DEC -4 2020 MENRY C. LOEWENGUTH, CLEAR DISTRICT OF MY
Defendantis)	

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiffneed not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

L The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Carrie M. Leo

Address

County

3 199 Walworth Road

Walworth

Wayne

NY State 14568 Ziv Code

Telephone Number

(315)538-8316

E-Mai I Address

carrieleo I5@gmail.com

Citv

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (ifknown) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Citv

Defendant No. 1

Name

New York State Department of Environmental Conservation

Job or Title (ifimown)

Address

625 Broadway

Albany

NY State 12233 Zio Code

County

Albany

Telephone Number

(518) 402-8401

E-Mail Address (iflmown)

Defendant No. 2

Name

Basil Seggos

Job or Title (ifknown)

Commissioner

Address

625 Broadway

Albany

NY State 12233 Zio Code

County

Albany

Telephone Number

(518) 402-840 I

E-Mail Address (ifknown)

unknown

☐ Individual capacity

City

Official capacity

Defendant No. 3

Name

United States Department of Agriculture

Job or Title (if known)

Address

1400 Independence Avenue, S.W.

Washington

DC

20250

City

State

Zip Code

County

District of Columbia

Telephone Number

202-720-2791

E-Mail Address (if known)

Mindividual capacity

Official capacity

Defendant No. 4

Name

Sonny Perdue

Job or Title (if known)

Secretary

Address

County

1400 Independence Avenue., S.W.

Washington

DC State

20250 Zip Code

Cin

District of Columbia

Telephone Number

202-720-2791

E-Mail Address (if known)

Individual capacity

Official capacity

Defendant No. 5

Name

Joe Therrien

Job or Title (if known)

Director, Special Licenses Unit

Address

County

625 Broadway, 5th Floor

Albany, City

NY State 12233-7011 Zip Code

Albany

Telephone Number

518-402-8985

E-Mail Address (if known)

joseph.therrien@dec.ny.gov

☐ Individual capacity

Official capacity

Defendant No. 6

Name

William Powell

Job or Title (if known)

Lieutenant/Captain, Division of Law Enforcement

Address

6274 East Avon-Lima Rd.

Avon,

NY

14414-9519

City

State

Zip Code

County

Livingston

Telephone Number

585-226-6706

E-Mail Address (if known)

william.powell@dec.ny.gov

☐ Individual capacity

Official capacity

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Pro Se 15 (Rev. 12/16) Complaint for Violat

[Civil Rights (Non-Prisoner)

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County

Andrea D'Ambrosio Name **Animal Care Inspector**

Job or Title (if known)

1400 Independence Avenue, S.W. Address

20250 D.C. Washington, Zip Code City

State

District of Columbia

202-720-2791 Telephone Number

E-Mail Address (if known)

Official capacity Individual capacity

Basis for Jurisdiction II.

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

- A. Are you bringing suit against (check all that apply):
 - Federal officials (a Bivens claim)
 - State or local officials (a § 1983 claim)
- Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by B. the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Equal treatment under the law, freedom of speech, freedom of petition, freedom from unreasonable searches and seizures, right to due process of law, rights of accused person, freedom from cruel and unusual punishment, freedom to enjoy one's own property, freedom to not have property taken by the government without just compensation and freedom of establishing ones own business.

Plaintiffs suing under Bivens may only recover for the violation of certain constitutional rights. If you C. are suing under Bivens, what constitutional right(s) do you claim is/are being violated by federal officials?

> Due process, property rights, equal treatment under the law, chance for recourse/redress and false accusations/defamation.

Section 1983 allows defendants to be found liable only when they have acted "under color of any D. statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under Bivens, explain how each defendant acted under color of federal law. Attach additional pages if needed.

> On or around November 7, 2015, the Division of Law Enforcement of the DEC visited my wildlife center due to a neighbor contacting the agency about my having wild animals. I was duly licensed by the DEC and USDA to possess and exhibit wild and exotic animals. Although

the officers saw nothing of concern after touring the center, they returned on May 10, 2016 demanding another tour of the facility for an "inspection" and seizing a pack of six adult coyotes I possessed with the authority of my wildlife rehabilitation license through the DEC.

Two to three days afterward, the town zoning officer cited my stepfather, the landowner, for two alleged violations. On or around July 26, 2016, the DEC cited me with eleven citations mostly for possession of coyotes. The charges were resolved with a plea to two civil violations of my keeping opossums in hospital cages in the barn during the winter and for submitting an annual log for one of my licenses late; two alleged violations which are committed by other licenses frequently without citation or discipline.

In 2017, I became aware of Lt. Powell and Officer Thomas from the DEC acting against my business by making me take the entire center down even though it was constructed legally, and the town know of it. In fact, one of the zoning officers visited the center in or around December 2015 to look around and was given a tour of the entire facility. The zoning officer saw nothing of concern.

The DEC was not going to settle without my full surrendering of all licensure and the relocation of all animals, which was an extreme measure for a business which was duly licensed and operating within the confines of the law. The center even offered a community service of wildlife rehabilitation which was done on a volunteer basis and financed from personal funds and a few donations.

In April 2017, I boarded three animals with a colleague and friend I trusted at the time while I recovered from surgery. I boarded the animals in order to maintain the standard of care for the animals by temporarily keeping them with someone who could take care of them full-time until I recovered. However, without my permission and knowledge, the colleague took the animals out of New York State, with the help of specific staff members of the DEC and USDA and imported them illegally into Texas State.

Since then, I have been vying in court to gain repossession of the animals only to have interference from the DEC and USDA in convincing my colleague that I didn't have the proper licensing to keep the animals. Even though an attorney from the DEC's Office of General Counsel confirmed for me in writing that my licensing was, in fact, valid to have not only the animals back from my colleague but that I could have additional animals listed on the license if I were to obtain more animals, which I didn't plan on.

I was granted a preliminary injunction on September 10, 2018 (and amended on May 2, 2019) for the return of my animals. However, the Defendant started to allege, one by one, the animals were either stolen or deceased. However, evidence which I've gathered since then shows otherwise. The Defendant's attorney opted to use a number of highly unethical methods in prejudicing my repossession of the animals and teamed up with the DEC (and possibly the USDA).

The DEC has been giving the Defendant information and other documents which I have reason are prejudicing me against the assertion of my rights. Although I've asked for copies of the documents since they clearly had to do with me and my licensing of my animals and business, they have never given me copies.

I have also become aware of Lt. Powell, Joe Therrien, James Farquhar, Andrea D'Ambrosio and Tonya Hadijis (the former two from the DEC and the latter two from the USDA) acting against my interests and rights secretly by protecting the person who still has possession of my animals. I have sought assistance from everyone I can think of, including all the way up the "ladder" of

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authority, so to speak, to the Commissioner of the DEC and the Secretary of the USDA only to be met with hostility or indifference.

In order to discredit me, both agencies have used the law to accuse me of violating laws which either don't exist, or which are improperly implied. In the meantime, DEC officials, namely Powell and Therrien, have incited my neighbors to act against me, including the vandalism of my center twice and unlawful release of my animals when I wasn't around the premises. Local (town, county) authorities and officials have been turned against me based on severely derogatory and personal statements made about me by Lt. Powell and Officer Kevin Thomas - the DEC Division of Law Enforcement officers who work in my region, referred to by the DEC as "Region 8."

My state licenses were either denied renewal in a very untimely fashion or revoked while the violated a multitude of regulations and rules during the process it took in doing so. Presently, the USDA is now invoking a proceeding to terminate my federal license simply because the state license was revoked. During any consideration the Department may have given concerning my licensing, I have had literally absolutely no say whatsoever, even and especially, in the hearing which was held to revoke one of my state licenses on March 13, 2018 (the license was revoked by final determination by the Commissioner on or around November 7, 2018).

Most recently, I have become aware that I am being defamed by the same staff members mentioned in this summary as I've been accused (not directly, of course) for animal cruelty, such as starving animals, etc. Powell has solicited false testimony in manipulating potential witnesses to say things about me which aren't true and for which there is no evidence or evidence which squarely contradicts statements he has coached other people to say against me.

There is no recourse or redress unless a person has considerable financial support or have connections in the government to "pull strings" much like what the DEC and USDA have done for the colleague of mine who stole my animals.

New York State Department of Environmental Conservation staff members Joe Therrien, Paul Stringer, William Powell and James Farquhar¹ misrepresented the licensing I had through the Department's Special Licenses Unit telling a person who was boarding animals for me that I didn't have the authority to possess such animals. However, the two licenses I had through the Department, the License for Wildlife Rehabilitation (LWR) and License to Collect & Possess (LCP) were valid for the year 2017 and most of 2018, respectively.

While talking to other individuals about my licensing, the Department repeatedly refused to give me status on my licenses never returning calls, emails, or letters. Even though my *License to Collect & Possess* continued to undergo rolling renewals annually in July 2017 and July 2018, I was never given an updated paper license, even though I had requested one. It is standard practice to give every licensee a paper version of their licenses However, when the colleague who boarded my animals contacted the SLU, he was not ignored at all and in fact a conspiracy developed between him and the Department in preventing the return of my animals even though this was part of the contract to which we both agreed before the boarding arrangement took place on or around April 23, 2017. Eventually the renewal applications for both licenses I sent to the Department were denied months after the 45-day deadline for the Department to respond or else there would be an automatic approval of the application. Technically, the applications were renewed automatically, and the LWR's new expiration date is 12/31/2022 and then LCP undergoes annual rolling renewals.

I also have reason to believe the Department has helped this colleague fabricate an entire fable about me by justifying and telling members of the public and other authority figures that may enter the scene occasionally that I had the animals taken away from me due to neglect and/or cruelty and I wasn't licensed for them; both of which are not true. If this was the truth, then the individual who boarded my animals would also be in violation of the law then, as it is prohibited by virtue of all of his state and federal licensing conditions to acquire animals from an illegal source. However, since then he has exported the animals from New York State, traversed a number of states in traveling to Texas, imported the animals, including his own menagerie (which includes endangered species), unlawfully. He continues to possess all of the animals illegally to this day only carrying federal licensing to exhibit without respecting Texas state law and licensing indigenous species, furbearers, and endangered species. The three animals he took from me where all furbearers (fox, fisher and badger) and two were from species considered indigenous to the state of Texas.

It is clear he is passing around documents given to him by the DEC which have been referred to as a "phone summary" by Therrien in an email on or around November 8, 2017 which he states was written and given to my colleague. Another reference to yet another document was made by my colleague was on December 6, 2019 when he stated he had "orders" to "transport and dispose" of my animals. The Department has given me no notice whatsoever that any possession of my animals up to the time my colleague boarded them was unlawful and they knew what live inventory I had at the time as well.

Furthermore, I was never given any notice of "orders". In fact, I've requested copies of the documents numerous times from both my colleague and the Department to no avail. There is this "secret conspiracy" or collaboration between my colleague and the DEC as well as at least one staff member in the USDA working to keep my animals from returning to me. For mere possession, the animals do not need to be licensed - only if they are exhibited.

I have also been confronted by individuals who have spoken to Powell and possibly other officers who have made derogatory and untrue remarks concerning me, my business and character. These statements occurred during pending cases in which the Department cited me excessively and unfairly for the possession of wild animals which were authorized by the licensing I had at the time for wildlife rehabilitation. In addition to the fact that the Department tried entrapping me by refusing to process my amendment requests and renewal applications for the rehab and long-term possession license (LCP), according to their own regulation, the requests and renewals were already approved automatically at the 45-day deadline for the Department to send notice to the licensee of its decision to approve or decline amendment requests and licensing renewals.

The United States Department of Agriculture Animal Care Inspector, Andrea D'Ambrosio, encouraged my colleague to take as many animals as possible from my center with the intent not to return them. She also suggested a lien or agister's lien for the return of my animals. This denies due process rights as well as aid the commission of fraud and possibly other torts. covering up and allowing numerous violations of law by my colleague which led to his violation of at least three federal laws, in addition to a multitude of New York and Texas State Conservation Laws.

Furthermore, the animal care complaints I filed with the USDA were "investigated" by D'Ambrosio who did not put forth good-faith effort in determining what happened to my animals. In fact, I have reason to believe she told others, such as SBA Ombudsman, Steve Bennett, that I "forfeited" the animals, which, again, is untrue. Another inspector who responded to one of the

animal care complaints and did an inspection of the facility at which my colleague kept my animals in Texas failed to verify any state licensing, including export and import documentation. If she had, she would have seen that his activity with the animals was unlawful. However, it is likely the inspector was "under the thumb" of D'Ambrosio who was protecting my colleague as she too was collaborating with the New York State Department of Environmental Conservation in keeping my animals from me. This, from my understanding, is still occurring to this day.

While the above mentioned staff members and my colleague are violating a host of laws and have been in this case for years, I had my LWR untimely denied, my LCP revoked through a process during which the Department violated many of its own rules governing proceedings for licensing revocations and am currently fighting to keep my USDA Exhibitor's License. Yet the staff members have suffered no ill effects from violating my civil rights and breaking the very laws they are charged to uphold and enforce. Nor is my colleague required to follow the law and has broken far more than I had been accused of violating since this case began yet he still has yet to experience even one citation. He currently continues to possess my and his animals in the State of Texas unlawfully.

All efforts of mine at recourse or redress have been unsuccessful. In fact, my latest attempt with the USDA spears to have spurred their current attempt to terminate my federal exhibitor's license. The effect of the termination will be the inability of me to have, possess or transport any animals indefinitely, which is what the ultimate goal of DEC's and USDA's involved staff members are although they will not admit it publicly. These people are putting forth extreme effort in an even more extreme end result - especially for someone who does not deserve it.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A Where did the events giving rise to your claim(s) occur?
 - Much of the allegations coming from the authorities occurred at my center in Walworth, NY. They are specified in the longer narratives contained herein. Other circumstances occurred during the case, Leo v Thomas Index No. 2017-1668 pending in the New York State Supreme Court of Jefferson County and is currently on appeal.
- B. What date and approximate time did the events giving rise to your claim(s) occur?
 - This matter has been going on from the first Saturday of November 2015 to the present day. However, I did not become aware of the damage and intentions of the DEC and USDA until later. There are various dates such as dates when certain inflammatory statements were made, dates when misrepresentations of law were being made both in and out of Court especially when the preliminary injundation was granted for the return of my animals., etc.
 - Included as an attachment is a timeline incorporating the various dates as they correspond to the actions of the DEC, USDA and other parties and non-parties involved in this civil rights case.
- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Background

In November 2015, Captain (then Lieutenant) Powell and I had a minor argument on the phone during which he threatened to terminate the licensing I had through the DEC. Not long afterward, I have reason to believe he riled up my neighbors and colleagues making derogatory remarks about me and my facility and sending around gossip and rumors about the same things. He also breached confidentiality. He never gave the Plaintiff a chance to abide by his expectations, even though they seemed to be different than those used for other licensees similarly situated. His approach was "one strike and you're out". Powell then imposed punishment on my family and I by manipulating town authorities to threaten my parents with tens of thousands of dollars of fines for things which weren't even wrong with their property. He had another officer tell me I had to get rid of all of my animals and take down all of the fencing, etc. down even though everything was licensed and legal. This is my business and a way to earn a living. He then collaborated with the person who stole my animals in July 2017 by passing around rumors that I was an animal abuser and starve animals, etc. None of this was true. Not to mention, I've never been cited for such things to this day. He has created an entire fable around my business and I instead of dealing with reality. He manipulated and had undue influence over potential witnesses having them lie for him to back up his lies. One witness stated he was upset when the officers, presumably at the command of Powell, tried getting him to say he was black marketing animals with me which wasn't true at all.

My licensing was misrepresented causing prejudice against me in the repossession of my animals. There are many more items but those will be included in the Amended Complaint.

James Farquhar and Joe Therrien have been interfering covertly with a case of mine and causing prejudice and conferring with the lawyer for the opposing side concerning my licensing which is being misrepresented. There are also at least two documents written for the defendant about me, the case and my licensing but they will not give me a copy but they have given a copy to the defendant, who was licensed just as I was so we were on equal footing and should have been treated that way.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I sustained no physical injuries related to the actions of the Desendants which necessitated medical attention.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

As a self-represented litigant, I do not know whether many things are within the jurisdiction of the Court or not. Hence, I realize I may request relief that may be inappropriate despite my best efforts to research and seek guidance from attorneys to prevent such inappropriate requests. As a result, I understand that some requests will be denied based on the fact that the Court does not have the ability or jurisdiction to provide certain types of relief I may request.

With that in mind, following are the requests for relief based on the details in this complaint.

RELIEF REQUESTED

1. **DECLARATORY JUDGMENT** on the status of my licensing at the time I boarded my animals on April 23, 2017 as well as during the month of July 2017 when I became aware of my animals having been taken illegally out of New York State and how long the validity of my licensing remained intact before the Commissioner's final determination on revocation of the license on November 7, 2018. The license in question is the License to Collect & Possess #623.

2. DECLARATORY JUDGMENT

3. Transparency.

A. ORDER for DEC

- (1) to provide me a copy of the "phone summary" and "orders" which were mentioned in the November 8, 2017 email by Therrien to Tyler Thomas and to which Tyler alluded in the factbook post of December 6, 2019, respectively. These documents should be given to me since they've been given and passed around among other members of the public. In fact, I cannot be sure they didn't make it to the judge who dismissed my case in Leo v Thomas since the defense attorney would likely not be above doing something such as sending him the documents along with his motion for summary judgment or at another time during the case.
- (2) There are also emails which should also be unredacted and sent to me which will be included in the attachments to the amended complaint.⁵
- (3) to cease any collaboration with Tyler Thomas or any other individual or business that has any animals or other property of mine, in preventing the return of the property, especially if it is under order from a court of law. They should also be made to cease involvement, including advice, pertaining to legal proceedings in which they are not a party. Any other acts which result in prejudice against me, legally or otherwise, should also be ceased. Inflammatory remarks, including false accusations, should be immediately ceased as well as any breach of confidentiality.
- (4) I request the DEC is ordered to remove the Commissioner's final decision notice from their website since I am getting threats and many angry remarks from DEC supporters and those who receive "incentives" to help the DEC with their cases, such as those being rewarded with free animals taken, sometimes unlawfully, from people the DEC targets for political and/or personal reasons. It is also important to note that I have directly requested the DEC, in the recent past, to remove the notice due to concerns for my safety and that of my business. They promptly refused and in fact, promoted the page directing them to the notice with members of the public. This is quite hypocritical for an agency who passes stifling prohibitive restrictions against the possession of almost every kind of exotic animal due to the agency's alleged "concern" for public welfare and safety, yet they are encouraging those threatening me to act on those threats. Clearly, there is very little concern for the welfare and safety of others on the part of the Department.
- (5) I request both agencies, the DEC and USDA, cease any and all retaliative efforts, be they via the DLE officers spinning a yarn at my expense passing around inflammatory remarks and gossip about me and my affairs or via the legal process. I also should not experience any retaliation from either agency when I ask my legislative representatives to oppose the adoption

¹ refer to phone summary exhibit

² refer to "orders" exhibit

³ refer to attachment which contains email between Therrien and tyler

⁴ refer to attachment with orders facebook post

⁵ make exhibit with redacted emails to be unredacted and sent to me

of regulations or other matters the agencies come up with which may be the focus about which I work with legislators.

B. ORDER for USDA.

- (1) The USDA was dishonest with me in regard to one of my foia requests⁶ for documents⁷ held by their IES department stating that the documents I requested were destroyed as they were kept for only one year, per policy. This is incorrect as IES policy is known to keep documents for six years and the documents are not destroyed and need to be turned over to me.
- (2) It is clear the USDA has used two sets of varying standards between other individuals, especially staff members and other licensees and I. Violations of federal and state laws should be managed consistently and fairly. I ask the Court to mandate the treatment of both staff members and licensees or any other individuals to be by the same standards given the severity of the misconduct. Given the multitude of violations by Tyler Thomas alone, termination of his federal Exhibitor's License should be considered as is the USDA mandating the return of my animals and working with Thomas in returning them to me.
- (3) Staff members like Andrea D'Ambrosio should also be held accountable for the damage she has done to both my business and my personal life with false accusations and colluding with the DEC in terminating licensure so I can never possess animals again. The extremism of this conduct and end-result is especially concerning. I should not be treated like a person convicted of felony animal cruelty, especially when I've never had even so much as a civil violation citing me for such. Staff members on both the state and federal levels should be made accountable.
- (4) I request amendments to my past USDA Animal Welfare inspection reports in which I believe I've been cited incorrectly. For instance, I was cited by D'Ambrosio for not arranging for a person to clean the animal enclosures daily when I was out of state for three days. Yet, when I did exactly that during my surgery in April 2017, she intervened and told the colleague who stole my animals that he should take as many animals as he can without the intention of ever returning them. The USDA should not have an inspector telling a licensee one thing then acting against her when she follows the inspector's instruction to avoid a similar citation under similar circumstances in the future.
- (5) Between the months of March 2020 and August 2020, the USDA staff altered inspection reports of mine by adding the word "CRITICAL" to many of the allegations in the reports which intensifies the alleged violation both with the agency and anyone who reads the report. Altering the reports in this manner is a direct violation of their agency procedure/protocol.

C. ORDER for both agencies; that is, the DEC and the USDA

- (1) Supervisory staff of those who have committed misconduct, both on the state and federal levels, should also be held accountable for failure to address the misconduct and in fact, going along with it and being apart of it instead. Supervisory staff in the DEC would partially consist of James Farquhar, who is the manager of Joseph Therrien of the SLU and Tonya Hadijis, as well as Betty Goldentyer of the Animal Care/Welfare Unit of the USDA-APHIS, were also aware of D'Ambrosio's misconduct and instead of protecting the licensee against the misuse of her position, the supervisors chose to condone it and, like the state agency, go along with and become apart of the misconduct. If staff members were held accountable, such misconduct would be much more of a rarity than it is now.
- (2) to revoke or terminate the licensure of the colleague who boarded my animals, Tyler Thomas. He is in clear violation of federal laws such as <u>The Animal Welfare Act</u>, the <u>Endangered Species Act</u> and the <u>Lacey Act</u> as well as the provisions of his licensing

⁶ foia request denied due to alleged destruction of IES records

⁷ usda documents redacted in foia

⁸ According to Executive

through the USFWS and the USDA. New York State laws which have been violated are numerous ECL and <u>6 NYCRR</u> provisions which forbid the acquirement of animals via unlawful sources (if I was supposedly unlawfully possessing my animals prior to boarding them with Thomas), possessing animals without proper licensing, not documenting export of all animals, including the endangered species in his collection of animals. The DEC writing "orders" for transporting and disposing of my animals occurred after Thomas already had the animals imported into Texas and the animals weren't given to him as they were still owned by me. The state cannot give away property belonging to someone else; especially, in this case, since I was indeed licensed properly to have them for exhibition. For mere possession, the animals do not need to be licensed as they can be apart of a personal collection. The DEC should also be mandated to work with the Texas Parks & Wildlife Department in levying charges against Thomas for the unlawful import,

(3) possession, exhibition, transport, etc. of animals which are supposed to be licensed under Texas conservation law. Lack of documentation and import certificates are also violations. There even was a likelihood Thomas trapped a wild badger and exported the animal out of Texas state without proper licensure. He had a trapping license but that did not authorize him to keep the animal in captivity for his own profit or for any other reason. He is supposed to apply for an additional state license in order to deal in animals caught from the wild in Texas.

His USFWS license should also be revoked since he left a red-tailed hawk in the possession of his family in New York when he moved to Texas with the rest of the animals. Andrea D'Ambrosio, his inspector at the time, helped him out by stating he had "no animals" at his facility when she stopped by for the last inspection of his in 2017 after he had moved to Texas. In fact, he had several animals still in his New York State facility in Alexandria Bay. Him giving the hawk to unlicensed caregivers is a clear violation of the federal Migratory Bird Treaty Act and should cause termination of the USFWS license he has.

There are also several other licensees who have been harboring wildlife and/or exotic animals illegally who should also face termination of licensure, both state and federal.

- A. Staff members of both the state and federal agencies involved should be terminated immediately and forbidden from working, volunteering, or associating themselves with public service agencies ever again.
 - 1. <u>Lieutenant/Captain William Powell</u> and <u>Officer Kevin Thomas</u> should be held accountable for violating state conservation laws as well as laws concerning breach of privacy, violation of constitutional rights, soliciting and using false testimony, conspiracy, and abusing the legal process by using zoning and non-zoning violations in order to destroy my business when there was no need to do so, especially in that matter. They should also be held accountable for conspiracy, aiding and abetting and failing to investigate and giving false citations to me.
 - 2. <u>Joe Therrien, James Farquhar and Paul Stringer</u> misrepresented my licensing in order to prejudice me in the return of my animals which I own. I had licensing until November 7, 2018 and still possess the federal exhibitor's license so therefore I was licensed to have and exhibit all animals which were yet to be returned to me by the other licensee/my colleague with whom I boarded the animals. All three staff members knew this, and this is why they are acting against my interests and rights secretly passing out documents they have written containing derogatory, mostly likely false, information pertaining to my ownership of my animals, my business and activities, possibly accusing me of animal cruelty, a completely unsubstantiated accusation but one which puts most people in instant judgment against the person against whom such an accusation is made. I cannot be certain if such documents made it to the judge in the Leo v Thomas matter thereby causing the dismissal of the case or if a staff member contacted the judge for the dismissal in order to avoid a jury trial.

not authorize him to keep the animal in captivity for his own profit or for any other reason. He is supposed to apply for an additional state license in order to deal in animals caught from the wild in Texas.

His USFWS license should also be revoked since he left a red-tailed hawk in the possession of his family in New York when he moved to Texas with the rest of the animals. Andrea D'Ambrosio, his inspector at the time, helped him out by stating he had "no animals" at his facility when she stopped by for the last inspection of his in 2017 after he had moved to Texas. In fact, he had several animals still in his New York State facility in Alexandria Bay. Him giving the hawk to unlicensed caregivers is a clear violation of the federal Migratory Bird Treaty Act and should cause termination of the USFWS license he has.

Just because he was encouraged to do certain things by government departments doesn't mean he should be considered not to have violated the law. In fact, he is also acting under the color of law by colluding with the DEC and USDA committing unlawful acts and violating a plethora of laws. The the government too should be held accountable for violating the laws; especially when they then hypocritically turn around and make worthless allegations against me for doing so with little to no evidence to substantiate such charges. The state assured my conviction and licensure revocation by prejudicing my opportunity for fair hearings and decision-makers presiding over such hearings.

This is an extremely dangerous agency which revels in its place as a dictator of the people of this state. Countless rights have been denied to the people and because they get deference from the judiciary, they continue to abuse the trust of the public by the unjust and exclusive management of natural resources as well as management of our personal property; the latter of which should not be occurring at all. The Plaintiff in this matter respectfully requests the Court to take such matters into consideration when deferring to this agency if it does at all. In this matter, especially, the agency should not enjoy deference at all as this is energy pushing their unlawful imposition of an agenda of special interests and cruel treatment of the public. It is time the agency finally is held accountable in order to curb their misconduct which they so egregiously perpetrate against anyone exercising his or her rights.

There are also several other licensees who have been harboring wildlife and/or exotic animals illegally who should also face termination of licensure, both state and federal.

- A. Staff members of both the state and federal agencies involved should be terminated immediately and forbidden from working, volunteering, or associating themselves with public service agencies ever again.
 - 1. <u>Lieutenant/Captain William Powell</u> and <u>Officer Kevin Thomas</u> should be held accountable for violating state conservation laws as well as laws concerning breach of privacy, violation of constitutional rights, soliciting and using false testimony, conspiracy, and abusing the legal process by using zoning and non-zoning violations in order to destroy my business when there was no need to do so, especially in that matter. They should also be held accountable for conspiracy, aiding and abetting and failing to investigate and giving false citations to me.
 - 2. <u>Joe Therrien, James Farquhar and Paul Stringer misrepresented my licensing in order to prejudice me in the return of my animals which I own.</u> I had licensing until November 7, 2018 and still possess the federal exhibitor's license so therefore I was licensed to have and exhibit all animals which were yet to be returned to me by the other licensee/my colleague with whom I boarded the animals. All three staff members knew this, and this is why they are acting against my interests and rights secretly passing out documents they have written containing derogatory, mostly likely false, information pertaining to my ownership of my animals, my business and activities, possibly accusing me of animal cruelty, a completely unsubstantiated accusation but one which puts most people in instant judgment against the person against

whom such an accusation is made. I cannot be certain if such documents made it to the judge in the Leo v Thomas matter thereby causing the dismissal of the case or if a staff member contacted the judge for the dismissal in order to avoid a jury trial.

- 3. <u>Andrea D'Ambrosio</u> should be held accountable with unlawful interference with a contract/business relationship and/or opportunity, conspiracy, aiding and abetting, defamation, false accusations, violations of the *Animal Welfare Act* and failure to conduct good-faith investigations concerning the case of stolen animals.⁹
- 4. <u>DEC</u> failure to enforce laws, rules, and regulations. failure to acknowledge redress I attempted and providing or blocking any recourse I could have for relief against unfair treatment by the agency.
- 5. USDA same as for the DEC described in previous paragraph.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

August 23, 2020

Signature of Plaintiff

Printed Name of Plaintiff

Carrie M. Lco

Sworn to before me this 23rd day of November 2020

Public Notar

LAUREN FRIEDL

Notary Public - State of New York

NO. 07FR6383306

Qualified in Wayne County by Commission Expires Nov 13, 2022

⁹ Even after I requested the Animal Care Division staff to not allow D'Ambrosio close to any information concerning me and my business since she was no longer associated with me as an animal care inspector, the management still put her and her supervisor, Tonya Hadijis, as main contacts for "investigating" the animal care complaints I submitted. Of course, the information I sent in or noted was not even accessed, much less considered as part of the investigation by D'Ambrosio. It makes no sense to put a person who is implicated in a complaint as "investigator" of the complaint. Clearly, they will cover up their involvement and that is exactly what she did.

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS		DEFEN	IDANTS			
Carrie M. Leo			NYSDEC, USDA, Seggos, Powell, Therrien, Perdue, D'Ambrosio & John/Jane Does #1-15			
(b) County of Residence of	of First Listed Plaintiff Wayne	County of	County of Residence of First Listed Defendant Albany			
	XCEPT IN U.S. PLAINTIFF CASES)	NOTE: I	(IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.			
(a) Attornation (Firm Name	Address, and Telephone Number)	Attorneys	s (If Known)			
self-represented	d litigant, request for appointment of		AG for NYSDEC, Seggos, Powell and Therrien,			
attorney accomp	panies this sheet and submitted to the	U.S. At	torney - USDA, Perdue and D'Ambrosio			
	ICTION (Place an "X" in One Box Only)		IP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)			
1 U.S. Government	3 Federal Question	(For Diversity	PTF DEF PTF DEF			
Plaintiff	(U.S. Government Not a Party)	Citizen of This State	I Incorporated or Principal Place 4 4			
2 U.S. Government Defendant	4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another So	tate 2 2 Incorporated and Principal Place 5 5 of Business In Another State			
		Citizen or Subject of Foreign Country				
IV. NATURE OF SUIT		EODERFINE (I	Click here for: Nature of Suit Code Descriptions. ENALTY BANKRUPTCY OTHER STATUTES			
CONTRACT 110 Insurance	TORTS PERSONAL INJURY PERSONAL INJUR	FORFEITURE/P				
120 Marine	310 Airplane 365 Personal Injury -	of Property 2				
130 Miller Act 140 Negotiable Instrument	315 Airplane Product Product Liability Liability 367 Health Care/	690 Other	400 State Reapportionment			
150 Recovery of Overpayment	320 Assault, Libel & Pharmaceutical		PROPERTY RIGHTS 410 Antitrust 430 Banks and Banking			
& Enforcement of Judgment 151 Medicare Act	Slander Personal Injury 330 Federal Employers' Product Liability		820 Copyrights 430 Banks and Banking 450 Commerce			
152 Recovery of Defaulted	Liability 368 Asbestos Persona		835 Patent - Abbreviated New Drug Application 460 Deportation 470 Racketeer Influenced and			
Student Loans (Excludes Veterans)	340 Marine Injury Product 345 Marine Product Liability		New Drug Application 470 Racketeer Influenced and Corrupt Organizations			
153 Recovery of Overpayment	Liability PERSONAL PROPER					
of Veteran's Benefits	350 Motor Vehicle 370 Other Fraud	710 Fair Labor Sta	andards Act of 2016 (15 USC 1681 or 1692) 485 Telephone Consumer			
160 Stockholders' Suits	355 Motor Vehicle 371 Truth in Lending Product Liability 380 Other Personal	720 Labor/Manag				
195 Contract Product Liability	360 Other Personal Property Damage	Relations	861 HIA (1395ff) 490 Cable/Sat TV 862 Black Lung (923) 850 Securities/Commodities/			
196 Franchise	Injury 385 Property Damage 362 Personal Injury - Product Liability	740 Railway Labo 751 Family and M				
	Medical Malpractice	Leave Act	864 SSID Title XVI 890 Other Statutory Actions			
REAL PROPERTY 210 Land Condemnation	CIVIL RIGHTS PRISONER PETITIO X 440 Other Civil Rights Habeas Corpus:	790 Other Labor I 791 Employee Re	200 5			
220 Foreclosure	441 Voting 463 Alien Detainee	Income Secur	rity Act FEDERAL TAX SUITS 895 Freedom of Information			
230 Rent Lease & Ejectment	442 Employment 510 Motions to Vacat		or Defendant) 870 Taxes (U.S. Plaintiff Act 896 Arbitration			
240 Torts to Land 245 Tort Product Liability	443 Housing/ Sentence Accommodations 530 General		871 IRS—Third Party 899 Administrative Procedure			
290 All Other Real Property	445 Amer. w/Disabilities - 535 Death Penalty	IMMIGRAT				
	Employment Other: 540 Mandamus & Otl	462 Naturalization 465 Other Immigr	ration 950 Constitutionality of			
	Other 550 Civil Rights	Actions	State Statutes			
	448 Education 555 Prison Condition 560 Civil Detainee -		1 1			
	Conditions of Confinement	1				
V. ORIGIN (Place an "X" i						
N 1 Original	moved from 3 Remanded from	4 Reinstated or Reopened	5 Transferred from 6 Multidistrict 8 Multidistrict Litigation -			
Proceeding Sta	ate Court Appellate Court		(specify) Transfer Direct File			
	Cite the U.S. Civil Statute under which you a	filing (Do not cite juris	dictional statutes unless diversity):			
VI. CAUSE OF ACTIO	ON Harif description of course					
	Brief description of cause: civil rights violations, including Bivens					
VII. REQUESTED IN COMPLAINT:	CHECK IF THIS IS A CLASS ACTIO UNDER RULE 23, F.R.Cv.P.	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: Yes No			
VIII. RELATED CASI	E(S) (See instructions): JUDGE	0	DOCKET NUMBER			
DATE	SIGNATURE OF AT	ORNEY OF RECORD				
Nov 22, 2020	Com	NOPE	2			
FOR OFFICE USE ONLY						
	MOUNT APPLYING IFP		JUDGE MAG. JUDGE			
RECEIFI# AI	MICOINI ALLEINO III					

Case 6:20-cv-07039-FPG Document 30 Filed 05/26/21 Page 23 PT AND RETURN

U.S. Department of Justice
United States Marshals Service

See "Instructions for Service of Process by U.S. Marshal"

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PLAINTIFF					***	COURT CASE NU	MBER	
Carrie M. Leo							20-cv-7039	
DEFENDANT						TYPE OF PROCES	3S	
New York Department of Environmental Conservation & the United States Department of Agriculture and the following INDIVIDUALS in their individual and official capacities: BASIL SEGGOS - DEC Commissioner; WILLIAM POWELL - Lieutenant/Captain, DEC Division of Law Enforcement, JOSEPH THERRIEN - director, Special Licenses Unit, United States Department of Agriculture, ANDREA D'AMBROSIO USDA Animal Care Inspector and John/Jan Does #1-5								
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN United States Department of Agriculture and Andrea D'Ambrosio (Animal Care Inspector) ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) United States Department of Agriculture ATTN: Civil Process Clerk USDA Office of the General Counsel - Regional Office								
(18 Peachtree Sti tlanta, Georgia 3	reet, N.W., Suite 57 30309-2409	76	
SEND NOTICE OF SERVICE COPY	TO REQUESTI	R AT NAME A	ND ADDRESS	BELOW		Number of process to served with this Fore		
Carrie M. 1	Leo		H-H-11-11 - H-H-11-3-11			Number of parties to be served in this case 6		
3199 Walv Walworth,	vorth Road NY 14568					Check for service on U.S.A.		
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service): Hours of Operation: Unknown (not found on website) General Phone # (202) 514-2000 email: attorney.general@usdoj.gov								
Signature of Attorney other Originato	requesting servi	ce on behalf of:	☐ PLAIN	TITLE	TELEPHONE	NUMBER	DATE	
X TONES				NDANT	(315) 53	38-8316	05/22/2021	
SPACE BE	LOW FOR	USE OF U.S.	MARSHAL	ONLY - D	O NOT WRIT	E BELOW THIS	SLINE	
I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more No. No. District to Signature of Authorized USMS Serve			Authorized USMS	Deputy or Clerk	Date		
I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.								
☐ I hereby certify and return that I a	I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)							
Name and title of individual served (if not shown above)				Date	Time am			
Address (complete only different than shown above) Signature of U.S. Ma					arshal or Deputy			
		Costs	shown on <u>attach</u>	ed USMS Cost	Sheet >>			

U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court for the Western District of New York

T-0	Little De La CAminakum and Andrea D'Ambresia	Civil Action, File Number	20-CV-7039			
ATTN: Civil Process Clerk	United States Department of Agriculture and Andrea D'Ambrosio ATTN: Civil Process Clerk	Carrie M. Leo				
	USDA Office of the General Counsel-Regional Office 1718 Peachtree Street, N.W., Suite 576	V.				
	Atlanta, Georgia 30309-2409	NYSDEC	et al.			
The New Yo	e enclosed summons and complaint are served pursuant to Rulork State law.	te 4(e)(1) of the Federal Rules of	Civil Procedure, and			
You within 6	1 MUST COMPLETE the acknowledgment part of this form be 10 days. An envelope has been enclosed for this purpose. Keep	clow, AND RETURN COPIES 1 copy 3 for your records.	AND 2 to the sender			
corpora relation	TU MUST SIGN AND DATE THE ACKNOWLEDGMEN tion, unincorporated association (including a partnership), or ship to that entity. If you are served on behalf of another personner your signature your authority.	other entity, you must indicate ui	ider your signature your			
behalf y	ou do not complete and return copies 1 and 2 of this form to t you are being served) may be required to pay any expenses in permitted by law.	he sender within 60 days, you (or curred in serving a summons and	r the party on whose complaint in any other			
answer	ou do complete and return copies 1 and 2 of this form, you (of the complaint within 21 days for private defendants and/or 60 nt by default will be taken against you for the relief demanded	days for Federal defendants. If	are being served) must you fail to do so,			
I de was ma	cclare, under penalty of perjury, that this Notice and Acknowl iled on this date.	edgment of Receipt of Summons	and Complaint By Mai			
Date of S	ignature	Signature (USMS Official)				
	ACKNOWLEDGMENT OF RECEIPT OF	SUMMONS AND COMPLAIR	NT			
I de manner	clare, under penalty of perjury, that I received a copy of the summo at:	ns and of the complaint in the above	captioned			
Stree	et Number and Street Name or P.O. Box No.	Relationship to Entity/Authority to R	eceive			
City	, State and Zip Code	Service of Process				
Sign	nature	Date of Signature				

Copy 1 - Clerk of Court

Copy 2 - United States Marshals Service

Copy 3 - Addressee

Copy 4 - USMS District Suspense

USM Form-299 Rev. 05/10 Automated 10/03

UNITED STATES DISTRICT COURT

for the

Western District of New York

Carrie M. Leo, Plaintiff,

New York State Department of Environmental Conservation & the United States Department of Agriculture and the following INDIVIDUALS in their individual and official capacities: BASIL SEGGOS - Commissioner, SONNY PERDUE - Secretary, WILLIAM POWELL - Lieutenant/Captain, DEC Division of Law Enforcement, JOSEPH THERRIEN - Director, Special Licenses Unit, ANDREA D'AMBROSIO - USDA Animal Care Inspector and John/Jane Does #1-15,

Civil Action No.: 6:20-cv-07039-FPG

Defendants.

SUMMONS IN A CIVIL ACTION

To:
United States Department of Agriculture and Andrea D'Ambrosio - Animal Care Inspector
ATTN: Civil Process Clerk
USDA Office of the General Counsel - Regional Office
1718 Peachtree Street, N.W., Suite 576
Atlanta, Georgia 30309-2409

A lawsuit has been filed against the aforementioned staff of the United States Department of Agriculture.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Carrie M. Leo 3199 Walworth Road Walworth, NY 14568 ph: (315) 538-8316

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

		CLERK OF COURT
Date:	, 2021	
		Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No.: 6:20-ev-07039-FPG

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

This summons for the <u>USDA Office of the General Counsel</u> , 2021.	was received by me on (date)		
☐ I personally served the summons on the individual at ((place)		
on (date), 2021; or			
☐ I left the summons at the individual's residence or usu	al place of abode with (name)		, a
person of suitable age and discretion who resides ther and mailed a copy to the individual's last known addr	re, on	,20	
☐ I served the summons on (name of individual)			, who is
designated by law to accept service of process on behalf	of (name of organization)		
	on (date)	; or	
☐ I returned the summons unexecuted because			; or
☐ Other (specify):			
My fees are \$for travel and \$	for services, for a total of \$		<u> </u>
I declare under penalty of perjury that this information i	s true.		
Date: 2021.	Server's signature	••••	
	Printed name and title	accessor errors	
	Server's address	namentus (n. 1808).	

Additional information regarding attempted service, etc:

ivil Rights (Non-Priceast)

UNITED STATES DISTRICT COURT

for the

Western District of New York State

Fourth Division

	Case No. 20-cv-7039-FPG
	(to be filled in by the Clerk's Office)
Carrie M. Leo	
Plaintiff(s)	milke.
) -v-	Jury Trial: (check one) Yes No
New York State Department of Environmental Conservation & the United Stated Department of Agriculture and the following INDIVIDUALS, in their individual and official capacities:BASIL SEGGOS - Commissioner, SONNY PERDUE - Secretary, WILLIAM POWELL - Lieuteanant/Captain,DEC Division of Law Enforcement, JOSEPH THERRIEN - Director, DEC Special Licenses Unit, ANDREA D'AMBROSIO - USDA Animal Care Inspector and *John/Jane Does #1-15.	DEC - 4 2020 ARRAN DISTRICT OF WESTERN DISTRICT DIS
Defendant(s)	

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

The Parties to This Complaint L

The Plaintiff(s) A.

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Carrie M. Leo

Address

3 199 Walworth Road

Walworth

NY

14568

Citv

State

Ziv Code

County

Wayne

Telephone Number

(315)538-8316

E-Mai I Address

carrieleo I 5@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (ifknown) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

New York State Department of Environmental Conservation

Job or Title (ifimown)

Address

625 Broadway

Albany

NY State

12233 Zio Code

Citv

County

Albany

Telephone Number

(518) 402-8401

E-Mail Address (ifknown)

Defendant No. 2

Name

Basil Seggos

Job of Title (ifknown)

Commissioner

Address

625 Broadway

Albany

NY State

12233 Zio Code

County

Albany

Telephone Number

(518) 402-840 I

E-Mail Address (ifknown)

unknown

M Individual capacity

City

Official capacity

Pro Se 15 (Kev. 12/10) Complaint for Violat.

I CIVII KIGNIS (Non-Prisoner)

Defendant No. 3

Name

United States Department of Agriculture

Job or Title (if known)

Address

1400 Independence Avenue, S.W.

Washington

DC

20250

City

State

Zip Code

County

District of Columbia

Telephone Number

202-720-2791

E-Mail Address (if known)

✓ Individual capacity **

Official capacity

Defendant No. 4

Name

Sonny Perdue

Job or Title (if known)

Secretary

Address

County

1400 Independence Avenue., S.W.

Washington

DC State

20250 Zip Code

District of Columbia

Telephone Number

202-720-2791

E-Mail Address (if known)

Individual capacity

Official capacity

Defendant No. 5

Name

Joe Therrien

Job or Title (if known)

Director, Special Licenses Unit

Address

625 Broadway, 5th Floor

Albany, City

NY

12233-7011 Zip Code

State

County

Albany

Telephone Number

518-402-8985

E-Mail Address (if known)

joseph.therrien@dec.ny.gov

Mindividual capacity

Official capacity

Defendant No. 6

Name

William Powell

Job or Title (if known)

Lieutenant/Captain, Division of Law Enforcement

Address

6274 East Avon-Lima Rd.

Avon.

NY

14414-9519

State

Zip Code

County

Livingston

Telephone Number

585-226-6706

E-Mail Address (if known)

william.powell@dec.ny.gov

☑ Individual capacity

Official capacity

Case 6:20-cv-07039-FPG BOCUMENT 30 FITTE 10/10/10/201 Page 420 1587

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[Civil Rights (Non-Prisoner)

Defendant No. 7

Name

Andrea D'Ambrosio

Job or Title (if known)

Animal Care Inspector

Address

1400 Independence Avenue, S.W.

Washington,

D.C.

20250

City

State

Zip Coae

County

District of Columbia

Telephone Number

202-720-2791

E-Mail Address (if known)

M Individual capacity

Official capacity

Basis for Jurisdiction II.

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

- A. Are you bringing suit against (check all that apply):
 - Federal officials (a Bivens claim)
 - State or local officials (a § 1983 claim)
- Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by B. the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Equal treatment under the law, freedom of speech, freedom of petition, freedom from unreasonable searches and seizures, right to due process of law, rights of accused person, freedom from cruel and unusual punishment, freedom to enjoy one's own property, freedom to not have property taken by the government without just compensation and freedom of establishing ones own business.

Plaintiffs suing under Bivens may only recover for the violation of certain constitutional rights. If you C. are suing under Bivens, what constitutional right(s) do you claim is/are being violated by federal officials?

> Due process, property rights, equal treatment under the law, chance for recourse/redress and false accusations/defamation.

Section 1983 allows defendants to be found liable only when they have acted "under color of any D. statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under Bivens, explain how each defendant acted under color of federal law. Attach additional pages if needed.

> On or around November 7, 2015, the Division of Law Enforcement of the DEC visited my wildlife center due to a neighbor contacting the agency about my having wild animals. I was duly licensed by the DEC and USDA to possess and exhibit wild and exotic animals. Although

the officers saw nothing of concern after touring the center, they returned on May 10, 2016 demanding another tour of the facility for an "inspection" and seizing a pack of six adult coyotes I possessed with the authority of my wildlife rehabilitation license through the DEC.

Two to three days afterward, the town zoning officer cited my stepfather, the landowner, for two alleged violations. On or around July 26, 2016, the DEC cited me with eleven citations mostly for possession of coyotes. The charges were resolved with a plea to two civil violations of my keeping opossums in hospital cages in the barn during the winter and for submitting an annual log for one of my licenses late; two alleged violations which are committed by other licenses frequently without citation or discipline.

In 2017, I became aware of Lt. Powell and Officer Thomas from the DEC acting against my business by making me take the entire center down even though it was constructed legally, and the town know of it. In fact, one of the zoning officers visited the center in or around December 2015 to look around and was given a tour of the entire facility. The zoning officer saw nothing of concern.

The DEC was not going to settle without my full surrendering of all licensure and the relocation of all animals, which was an extreme measure for a business which was duly licensed and operating within the confines of the law. The center even offered a community service of wildlife rehabilitation which was done on a volunteer basis and financed from personal funds and a few donations.

In April 2017, I boarded three animals with a colleague and friend I trusted at the time while I recovered from surgery. I boarded the animals in order to maintain the standard of care for the animals by temporarily keeping them with someone who could take care of them full-time until I recovered. However, without my permission and knowledge, the colleague took the animals out of New York State, with the help of specific staff members of the DEC and USDA and imported them illegally into Texas State.

Since then, I have been vying in court to gain repossession of the animals only to have interference from the DEC and USDA in convincing my colleague that I didn't have the proper licensing to keep the animals. Even though an attorney from the DEC's Office of General Counsel confirmed for me in writing that my licensing was, in fact, valid to have not only the animals back from my colleague but that I could have additional animals listed on the license if I were to obtain more animals, which I didn't plan on.

I was granted a preliminary injunction on September 10, 2018 (and amended on May 2, 2019) for the return of my animals. However, the Defendant started to allege, one by one, the animals were either stolen or deceased. However, evidence which I've gathered since then shows otherwise. The Defendant's attorney opted to use a number of highly unethical methods in prejudicing my repossession of the animals and teamed up with the DEC (and possibly the USDA).

The DEC has been giving the Defendant information and other documents which I have reason are prejudicing me against the assertion of my rights. Although I've asked for copies of the documents since they clearly had to do with me and my licensing of my animals and business, they have never given me copies.

I have also become aware of Lt. Powell, Joe Therrien, James Farquhar, Andrea D'Ambrosio and Tonya Hadijis (the former two from the DEC and the latter two from the USDA) acting against my interests and rights secretly by protecting the person who still has possession of my animals. I have sought assistance from everyone I can think of, including all the way up the "ladder" of

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authority, so to speak, to the Commissioner of the DEC and the Secretary of the USDA only to be met with hostility or indifference.

In order to discredit me, both agencies have used the law to accuse me of violating laws which either don't exist, or which are improperly implied. In the meantime, DEC officials, namely Powell and Therrien, have incited my neighbors to act against me, including the vandalism of my center twice and unlawful release of my animals when I wasn't around the premises. Local (town, county) authorities and officials have been turned against me based on severely derogatory and personal statements made about me by Lt. Powell and Officer Kevin Thomas - the DEC Division of Law Enforcement officers who work in my region, referred to by the DEC as "Region 8."

My state licenses were either denied renewal in a very untimely fashion or revoked while the Department violated a multitude of regulations and rules during the process it took in doing so. Presently, the USDA is now invoking a proceeding to terminate my federal license simply because the state license was revoked. During any consideration the Department may have given concerning my licensing, I have had literally absolutely no say whatsoever, even and especially, in the hearing which was held to revoke one of my state licenses on March 13, 2018 (the license was revoked by final determination by the Commissioner on or around November 7, 2018).

Most recently, I have become aware that I am being defamed by the same staff members mentioned in this summary as I've been accused (not directly, of course) for animal cruelty, such as starving animals, etc. Powell has solicited false testimony in manipulating potential witnesses to say things about me which aren't true and for which there is no evidence or evidence which squarely contradicts statements he has coached other people to say against me.

There is no recourse or redress unless a person has considerable financial support or have connections in the government to "pull strings" much like what the DEC and USDA have done for the colleague of mine who stole my animals.

New York State Department of Environmental Conservation staff members Joe Therrien, Paul Stringer, William Powell and James Farquhar¹ misrepresented the licensing I had through the Department's Special Licenses Unit telling a person who was boarding animals for me that I didn't have the authority to possess such animals. However, the two licenses I had through the Department, the License for Wildlife Rehabilitation (LWR) and License to Collect & Possess (LCP) were valid for the year 2017 and most of 2018, respectively.

While talking to other individuals about my licensing, the Department repeatedly refused to give me status on my licenses never returning calls, emails, or letters. Even though my *License to Collect & Possess* continued to undergo rolling renewals annually in July 2017 and July 2018, I was never given an updated paper license, even though I had requested one. It is standard practice to give every licensee a paper version of their licenses However, when the colleague who boarded my animals contacted the SLU, he was not ignored at all and in fact a conspiracy developed between him and the Department in preventing the return of my animals even though this was part of the contract to which we both agreed before the boarding arrangement took place on or around April 23, 2017. Eventually the renewal applications for both licenses I sent to the Department were denied months after the 45-day deadline for the Department to respond or else there would be an automatic approval of the application. Technically, the applications were renewed automatically, and the LWR's new expiration date is 12/31/2022 and then LCP undergoes annual rolling renewals.

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I also have reason to believe the Department has helped this colleague fabricate an entire fable about me by justifying and telling members of the public and other authority figures that may enter the scene occasionally that I had the animals taken away from me due to neglect and/or cruelty and I wasn't licensed for them; both of which are not true. If this was the truth, then the individual who boarded my animals would also be in violation of the law then, as it is prohibited by virtue of all of his state and federal licensing conditions to acquire animals from an illegal source. However, since then he has exported the animals from New York State, traversed a number of states in traveling to Texas, imported the animals, including his own menagerie (which includes endangered species), unlawfully. He continues to possess all of the animals illegally to this day only carrying federal licensing to exhibit without respecting Texas state law and licensing indigenous species, furbearers, and endangered species. The three animals he took from me where all furbearers (fox, fisher and badger) and two were from species considered indigenous to the state of Texas.

It is clear he is passing around documents given to him by the DEC which have been referred to as a "phone summary" by Therrien in an email on or around November 8, 2017 which he states was written and given to my colleague. Another reference to yet another document was made by my colleague was on December 6, 2019 when he stated he had "orders" to "transport and dispose" of my animals. The Department has given me no notice whatsoever that any possession of my animals up to the time my colleague boarded them was unlawful and they knew what live inventory I had at the time as well.

Furthermore, I was never given any notice of "orders". In fact, I've requested copies of the documents numerous times from both my colleague and the Department to no avail. There is this "secret conspiracy" or collaboration between my colleague and the DEC as well as at least one staff member in the USDA working to keep my animals from returning to me. For mere possession, the animals do not need to be licensed - only if they are exhibited.

I have also been confronted by individuals who have spoken to Powell and possibly other officers who have made derogatory and untrue remarks concerning me, my business and character. These statements occurred during pending cases in which the Department cited me excessively and unfairly for the possession of wild animals which were authorized by the licensing I had at the time for wildlife rehabilitation. In addition to the fact that the Department tried entrapping me by refusing to process my amendment requests and renewal applications for the rehab and long-term possession license (LCP), according to their own regulation, the requests and renewals were already approved automatically at the 45-day deadline for the Department to send notice to the licensee of its decision to approve or decline amendment requests and licensing renewals.

The United States Department of Agriculture Animal Care Inspector, Andrea D'Ambrosio, encouraged my colleague to take as many animals as possible from my center with the intent not to return them. She also suggested a lien or agister's lien for the return of my animals. This denies due process rights as well as aid the commission of fraud and possibly other torts. covering up and allowing numerous violations of law by my colleague which led to his violation of at least three federal laws, in addition to a multitude of New York and Texas State Conservation Laws.

Furthermore, the animal care complaints I filed with the USDA were "investigated" by D'Ambrosio who did not put forth good-faith effort in determining what happened to my animals. In fact, I have reason to believe she told others, such as SBA Ombudsman, Steve Bennett, that I "forfeited" the animals, which, again, is untrue. Another inspector who responded to one of the

animal care complaints and did an inspection of the facility at which my colleague kept my animals in Texas failed to verify any state licensing, including export and import documentation. If she had, she would have seen that his activity with the animals was unlawful. However, it is likely the inspector was "under the thumb" of D'Ambrosio who was protecting my colleague as she too was collaborating with the New York State Department of Environmental Conservation in keeping my animals from me. This, from my understanding, is still occurring to this day.

While the above mentioned staff members and my colleague are violating a host of laws and have been in this case for years, I had my LWR untimely denied, my LCP revoked through a process during which the Department violated many of its own rules governing proceedings for licensing revocations and am currently fighting to keep my USDA Exhibitor's License. Yet the staff members have suffered no ill effects from violating my civil rights and breaking the very laws they are charged to uphold and enforce. Nor is my colleague required to follow the law and has broken far more than I had been accused of violating since this case began yet he still has yet to experience even one citation. He currently continues to possess my and his animals in the State of Texas unlawfully.

All efforts of mine at recourse or redress have been unsuccessful. In fact, my latest attempt with the USDA spears to have spurred their current attempt to terminate my federal exhibitor's license. The effect of the termination will be the inability of me to have, possess or transport any animals indefinitely, which is what the ultimate goal of DEC's and USDA's involved staff members are although they will not admit it publicly. These people are putting forth extreme effort in an even more extreme end result - especially for someone who does not deserve it.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A Where did the events giving rise to your claim(s) occur?

Much of the allegations coming from the authorities occurred at my center in Walworth, NY. They are specified in the longer narratives contained herein. Other circumstances occurred during the case, Leo v Thomas Index No. 2017-1668 pending in the New York State Supreme Court of Jefferson County and is currently on appeal.

B. What date and approximate time did the events giving rise to your claim(s) occur?

This matter has been going on from the first Saturday of November 2015 to the present day. However, I did not become aware of the damage and intentions of the DEC and USDA until later. There are various dates such as dates when certain inflammatory statements were made, dates when misrepresentations of law were being made both in and out of Court especially when the preliminary injundation was granted for the return of my animals., etc.

Included as an attachment is a timeline incorporating the various dates as they correspond to the actions of the DEC, USDA and other parties and non-parties involved in this civil rights case.

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Background

In November 2015, Captain (then Lieutenant) Powell and I had a minor argument on the phone during which he threatened to terminate the licensing I had through the DEC. Not long afterward, I have reason to believe he riled up my neighbors and colleagues making derogatory remarks about me and my facility and sending around gossip and rumors about the same things. He also breached confidentiality. He never gave the Plaintiff a chance to abide by his expectations, even though they seemed to be different than those used for other licensees similarly situated. His approach was "one strike and you're out". Powell then imposed punishment on my family and I by manipulating town authorities to threaten my parents with tens of thousands of dollars of fines for things which weren't even wrong with their property. He had another officer tell me I had to get rid of all of my animals and take down all of the fencing, etc. down even though everything was licensed and legal. This is my business and a way to earn a living. He then collaborated with the person who stole my animals in July 2017 by passing around rumors that I was an animal abuser and starve animals, etc. None of this was true. Not to mention, I've never been cited for such things to this day. He has created an entire fable around my business and I instead of dealing with reality. He manipulated and had undue influence over potential witnesses having them lie for him to back up his lies. One witness stated he was upset when the officers, presumably at the command of Powell, tried getting him to say he was black marketing animals with me which wasn't true at all.

My licensing was misrepresented causing prejudice against me in the repossession of my animals. There are many more items but those will be included in the Amended Complaint.

James Farquhar and Joe Therrien have been interfering covertly with a case of mine and causing prejudice and conferring with the lawyer for the opposing side concerning my licensing which is being misrepresented. There are also at least two documents written for the defendant about me, the case and my licensing but they will not give me a copy but they have given a copy to the defendant, who was licensed just as I was so we were on equal footing and should have been treated that way.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I sustained no physical injuries related to the actions of the Desendants which necessitated medical attention.

V. Relief

å.

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

As a self-represented litigant, I do not know whether many things are within the jurisdiction of the Court or not. Hence, I realize I may request relief that may be inappropriate despite my best efforts to research and seek guidance from attorneys to prevent such inappropriate requests. As a result, I understand that some requests will be denied based on the fact that the Court does not have the ability or jurisdiction to provide certain types of relief I may request.

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(Civil Rights (Non-Prisoner)

With that in mind, following are the requests for relief based on the details in this complaint.

RELIEF REQUESTED

1. **DECLARATORY JUDGMENT** on the status of my licensing at the time I boarded my animals on April 23, 2017 as well as during the month of July 2017 when I became aware of my animals having been taken illegally out of New York State and how long the validity of my licensing remained intact before the Commissioner's final determination on revocation of the license on November 7, 2018. The license in question is the License to Collect & Possess #623.

2. DECLARATORY JUDGMENT

3. Transparency.

A. ORDER for DEC

- (1) to provide me a copy of the "phone summary" and "orders" which were mentioned in the November 8, 2017 email by Therrien to Tyler Thomas and to which Tyler alluded in the factbook post of December 6, 2019, respectively. These documents should be given to me since they've been given and passed around among other members of the public. In fact, I cannot be sure they didn't make it to the judge who dismissed my case in Leo v Thomas since the defense attorney would likely not be above doing something such as sending him the documents along with his motion for summary judgment or at another time during the case.
- (2) There are also emails which should also be unredacted and sent to me which will be included in the attachments to the amended complaint.⁵
- (3) to cease any collaboration with Tyler Thomas or any other individual or business that has any animals or other property of mine, in preventing the return of the property, especially if it is under order from a court of law. They should also be made to cease involvement, including advice, pertaining to legal proceedings in which they are not a party. Any other acts which result in prejudice against me, legally or otherwise, should also be ceased. Inflammatory remarks, including false accusations, should be immediately ceased as well as any breach of confidentiality.
- (4) I request the DEC is ordered to remove the Commissioner's final decision notice from their website since I am getting threats and many angry remarks from DEC supporters and those who receive "incentives" to help the DEC with their cases, such as those being rewarded with free animals taken, sometimes unlawfully, from people the DEC targets for political and/or personal reasons. It is also important to note that I have directly requested the DEC, in the recent past, to remove the notice due to concerns for my safety and that of my business. They promptly refused and in fact, promoted the page directing them to the notice with members of the public. This is quite hypocritical for an agency who passes stifling prohibitive restrictions against the possession of almost every kind of exotic animal due to the agency's alleged "concern" for public welfare and safety, yet they are encouraging those threatening me to act on those threats. Clearly, there is very little concern for the welfare and safety of others on the part of the Department.
- (5) I request both agencies, the DEC and USDA, cease any and all retaliative efforts, be they via the DLE officers spinning a yarn at my expense passing around inflammatory remarks and gossip about me and my affairs or via the legal process. I also should not experience any retaliation from either agency when I ask my legislative representatives to oppose the adoption

¹ refer to phone summary exhibit

² refer to "orders" exhibit

³ refer to attachment which contains email between Therrien and tyler

⁴ refer to attachment with orders facebook post

⁵ make exhibit with redacted emails to be unredacted and sent to me

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of regulations or other matters the agencies come up with which may be the focus about which I work with legislators.

B. ORDER for USDA.

- (1) The USDA was dishonest with me in regard to one of my foia requests⁶ for documents⁷ held by their IES department stating that the documents I requested were destroyed as they were kept for only one year, per policy. This is incorrect as IES policy is known to keep documents for six years and the documents are not destroyed and need to be turned over to me.
- (2) It is clear the USDA has used two sets of varying standards between other individuals, especially staff members and other licensees and I. Violations of federal and state laws should be managed consistently and fairly. I ask the Court to mandate the treatment of both staff members and licensees or any other individuals to be by the same standards given the severity of the misconduct. Given the multitude of violations by Tyler Thomas alone, termination of his federal Exhibitor's License should be considered as is the USDA mandating the return of my animals and working with Thomas in returning them to me.
- (3) Staff members like Andrea D'Ambrosio should also be held accountable for the damage she has done to both my business and my personal life with false accusations and colluding with the DEC in terminating licensure so I can never possess animals again. The extremism of this conduct and end-result is especially concerning. I should not be treated like a person convicted of felony animal cruelty, especially when I've never had even so much as a civil violation citing me for such. Staff members on both the state and federal levels should be made accountable.
- (4) I request amendments to my past USDA Animal Welfare inspection reports in which I believe I've been cited incorrectly. For instance, I was cited by D'Ambrosio for not arranging for a person to clean the animal enclosures daily when I was out of state for three days. Yet, when I did exactly that during my surgery in April 2017, she intervened and told the colleague who stole my animals that he should take as many animals as he can without the intention of ever returning them. The USDA should not have an inspector telling a licensee one thing then acting against her when she follows the inspector's instruction to avoid a similar citation under similar circumstances in the future.
- (5) Between the months of March 2020 and August 2020, the USDA staff altered inspection reports of mine by adding the word "CRITICAL" to many of the allegations in the reports which intensifies the alleged violation both with the agency and anyone who reads the report. Altering the reports in this manner is a direct violation of their agency procedure/protocol.

C. ORDER for both agencies; that is, the DEC and the USDA

- (1) Supervisory staff of those who have committed misconduct, both on the state and federal levels, should also be held accountable for failure to address the misconduct and in fact, going along with it and being apart of it instead. Supervisory staff in the DEC would partially consist of James Farquhar, who is the manager of Joseph Therrien of the SLU and Tonya Hadijis, as well as Betty Goldentyer of the Animal Care/Welfare Unit of the USDA-APHIS, were also aware of D'Ambrosio's misconduct and instead of protecting the licensee against the misuse of her position, the supervisors chose to condone it and, like the state agency, go along with and become apart of the misconduct. If staff members were held accountable, such misconduct would be much more of a rarity than it is now.
- (2) to revoke or terminate the licensure of the colleague who boarded my animals, Tyler Thomas. He is in clear violation of federal laws such as <u>The Animal Welfare Act</u>, the <u>Endangered Species Act</u> and the <u>Lacey Act</u> as well as the provisions of his licensing

⁶ foia request denied due to alleged destruction of IES records

⁷ usda documents redacted in foia

⁸ According to Executive

(Civil Rights (Non-Prisoner)

through the USFWS and the USDA. New York State laws which have been violated are numerous ECL and <u>6 NYCRR</u> provisions which forbid the acquirement of animals via unlawful sources (if I was supposedly unlawfully possessing my animals prior to boarding them with Thomas), possessing animals without proper licensing, not documenting export of all animals, including the endangered species in his collection of animals. The DEC writing "orders" for transporting and disposing of my animals occurred after Thomas already had the animals imported into Texas and the animals weren't given to him as they were still owned by me. The state cannot give away property belonging to someone else; especially, in this case, since I was indeed licensed properly to have them for exhibition. For mere possession, the animals do not need to be licensed as they can be apart of a personal collection. The DEC should also be mandated to work with the Texas Parks & Wildlife Department in levying charges against Thomas for the unlawful import,

(3) possession, exhibition, transport, etc. of animals which are supposed to be licensed under Texas conservation law. Lack of documentation and import certificates are also violations. There even was a likelihood Thomas trapped a wild badger and exported the animal out of Texas state without proper licensure. He had a trapping license but that did not authorize him to keep the animal in captivity for his own profit or for any other reason. He is supposed to apply for an additional state license in order to deal in animals caught from the wild in Texas.

His USFWS license should also be revoked since he left a red-tailed hawk in the possession of his family in New York when he moved to Texas with the rest of the animals. Andrea D'Ambrosio, his inspector at the time, helped him out by stating he had "no animals" at his facility when she stopped by for the last inspection of his in 2017 after he had moved to Texas. In fact, he had several animals still in his New York State facility in Alexandria Bay. Him giving the hawk to unlicensed caregivers is a clear violation of the federal Migratory Bird Treaty Act and should cause termination of the USFWS license he has.

There are also several other licensees who have been harboring wildlife and/or exotic animals illegally who should also face termination of licensure, both state and federal.

- A. Staff members of both the state and federal agencies involved should be terminated immediately and forbidden from working, volunteering, or associating themselves with public service agencies ever again.
 - Lieutenant/Captain William Powell and Officer Kevin Thomas should be held accountable for
 violating state conservation laws as well as laws concerning breach of privacy, violation of
 constitutional rights, soliciting and using false testimony, conspiracy, and abusing the legal
 process by using zoning and non-zoning violations in order to destroy my business when there
 was no need to do so, especially in that matter. They should also be held accountable for
 conspiracy, aiding and abetting and failing to investigate and giving false citations to me.
 - 2. <u>Joe Therrien, James Farquhar and Paul Stringer</u> misrepresented my licensing in order to prejudice me in the return of my animals which I own. I had licensing until November 7, 2018 and still possess the federal exhibitor's license so therefore I was licensed to have and exhibit all animals which were yet to be returned to me by the other licensee/my colleague with whom I boarded the animals. All three staff members knew this, and this is why they are acting against my interests and rights secretly passing out documents they have written containing derogatory, mostly likely false, information pertaining to my ownership of my animals, my business and activities, possibly accusing me of animal cruelty, a completely unsubstantiated accusation but one which puts most people in instant judgment against the person against whom such an accusation is made. I cannot be certain if such documents made it to the judge in the Leo v Thomas matter thereby causing the dismissal of the case or if a staff member contacted the judge for the dismissal in order to avoid a jury trial.

Pro Se 15 (Rev. 12/16) Complaint for Violati

Civil Rights (Non-Prisoner)

not authorize him to keep the animal in captivity for his own profit or for any other reason. He is supposed to apply for an additional state license in order to deal in animals caught from the wild in Texas.

His USFWS license should also be revoked since he left a red-tailed hawk in the possession of his family in New York when he moved to Texas with the rest of the animals. Andrea D'Ambrosio, his inspector at the time, helped him out by stating he had "no animals" at his facility when she stopped by for the last inspection of his in 2017 after he had moved to Texas. In fact, he had several animals still in his New York State facility in Alexandria Bay. Him giving the hawk to unlicensed caregivers is a clear violation of the federal Migratory Bird Treaty Act and should cause termination of the USFWS license he has.

Just because he was encouraged to do certain things by government departments doesn't mean he should be considered not to have violated the law. In fact, he is also acting under the color of law by colluding with the DEC and USDA committing unlawful acts and violating a plethora of laws. The the government too should be held accountable for violating the laws; especially when they then hypocritically turn around and make worthless allegations against me for doing so with little to no evidence to substantiate such charges. The state assured my conviction and licensure revocation by prejudicing my opportunity for fair hearings and decision-makers presiding over such hearings.

This is an extremely dangerous agency which revels in its place as a dictator of the people of this state. Countless rights have been denied to the people and because they get deference from the judiciary, they continue to abuse the trust of the public by the unjust and exclusive management of natural resources as well as management of our personal property; the latter of which should not be occurring at all. The Plaintiff in this matter respectfully requests the Court to take such matters into consideration when deferring to this agency if it does at all. In this matter, especially, the agency should not enjoy deference at all as this is energy pushing their unlawful imposition of an agenda of special interests and cruel treatment of the public. It is time the agency finally is held accountable in order to curb their misconduct which they so egregiously perpetrate against anyone exercising his or her rights.

There are also several other licensees who have been harboring wildlife and/or exotic animals illegally who should also face termination of licensure, both state and federal.

- A. Staff members of both the state and federal agencies involved should be terminated immediately and forbidden from working, volunteering, or associating themselves with public service agencies ever again.
 - Lieutenant/Captain William Powell and Officer Kevin Thomas should be held accountable for
 violating state conservation laws as well as laws concerning breach of privacy, violation of
 constitutional rights, soliciting and using false testimony, conspiracy, and abusing the legal
 process by using zoning and non-zoning violations in order to destroy my business when there
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 conspiracy, aiding and abetting and failing to investigate and giving false citations to me.
 - 2. Joe Therrien, James Farquhar and Paul Stringer misrepresented my licensing in order to prejudice me in the return of my animals which I own. I had licensing until November 7, 2018 and still possess the federal exhibitor's license so therefore I was licensed to have and exhibit all animals which were yet to be returned to me by the other licensee/my colleague with whom I boarded the animals. All three staff members knew this, and this is why they are acting against my interests and rights secretly passing out documents they have written containing derogatory, mostly likely false, information pertaining to my ownership of my animals, my business and activities, possibly accusing me of animal cruelty, a completely unsubstantiated accusation but one which puts most people in instant judgment against the person against

Pro Se 15 (Rev. 12/16) Complaint for Violati

(Civil Rights (Non-Prisoner)

whom such an accusation is made. I cannot be certain if such documents made it to the judge in the Leo v Thomas matter thereby causing the dismissal of the case or if a staff member contacted the judge for the dismissal in order to avoid a jury trial.

- 3. Andrea D'Ambrosio should be held accountable with unlawful interference with a contract/business relationship and/or opportunity, conspiracy, aiding and abetting, defamation, false accusations, violations of the Animal Welfare Act and failure to conduct good-faith investigations concerning the case of stolen animals.9
- 4. DEC failure to enforce laws, rules, and regulations. failure to acknowledge redress I attempted and providing or blocking any recourse I could have for relief against unfair treatment by the agency.
- 5. USDA same as for the DEC described in previous paragraph.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

August 23, 2020

Signature of Plaintiff

Printed Name of Plaintill

Carrie M. Leo

pefore me this 23rd day of November 2020

LAUREN FRIEDL Notary Public - State of New York NO. 07FR6383306 Qualified in Wayne County Commission Expires Nov 13, 2022

⁹ Even after I requested the Animal Care Division staff to not allow D'Ambrosio close to any information concerning me and my business since she was no longer associated with me as an animal care inspector, the management still put her and her supervisor, Tonya Hadijis, as main contacts for "investigating" the animal care complaints I submitted. Of course, the information I sent in or noted was not even accessed, much less considered as part of the investigation by D'Ambrosio. It makes no sense to put a person who is implicated in a complaint as "investigator" of the complaint. Clearly, they will cover up their involvement and that is exactly what she did.

3S 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTII	FFS				DEFENDANT						
Carrie M. Leo			NYSDEC, USDA, Seggos, Powell, Therrien, Perdue, D'Ambrosio & John/Jane Does #1-15								
(b) County of Res	sidence of F	irst Listed Plaintiff V	Vayne		County of Residen						
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(c) Attorneys (Fire	m Name. Addi	ress, and Telephone Numbe	er)		Attorneys (If Know	n)					
self-repres	sented lit	igant, request for	appointment of		NYS OAG for	NYS	DEC.	Seggos, Pov	vell and Th	nerrien,	
attorney a	ccompar	ies this sheet an	d submitted to the	•	U.S. Attorney						
Court				TYL CI	TIZENSHIP OF					Ona Pay 6	on Dlaintiff
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2 U.S. Government Defendant		4 Diversity (Indicate Citizensh	nip of Parties in Item III)	Citiz	en of Another State	2	_ 2	Incorporated and P of Business In A		<u> </u>	□ 5
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VI. CAUSE OF A	ACTION	Brief description of ca									
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VII. REQUESTE COMPLAIR	NT:	UNDER RULE 2	S IS A CLASS ACTION 23, F.R.Cv.P.	у D	EMAND \$			URY DEMAND:	X Yes	No	
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Case 6:20-cv-07039-FPG Document 30 Filed 05/26/21 Page 41 of 87
PROCESS RECEIPT AND RETURN

U.S. Department of Justice

United States Marshals Service

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF					***************************************	COURT CASE N	UMBER		
Carrie M. Leo							20-cv-	7039	
DEFENDANT						TYPE OF PROCE	SS		
New York Department of Environmental Conservation & the United States Department of Agriculture and the following INDIVIDUALS in their individual and official capacities: BASII SEGGOS - DEC Commissioner; WILLIAM POWELL - Lieutenant/Captain, DEC Division of Law Enforcement, JOSEPH THERRIEN - director, Special Licenses Unit, United States Department of Agriculture, ANDREA D'AMBROSIO USDA Animal Care Inspector and John/Jan Does #1-5					,	Service	2		
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN United States Department of Agriculture and Andrea D'Ambrosio (Animal Care Inspector) ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) ATTN: Civil Process Clerk									
AT)	THE CONTRACT STATE SHAPE SHAPE STATES	Accorded to a particular of the second	water and the second se	U R V 14	oom 107W Vhitten Buildi 100 Independ		ounsel - headq	uarters	
SEND NOTICE OF SERVICE COPY	TO REQUESTI	ER AT NAME A	ND ADDRESS	BELOW		Number of process t			
Carrie M. Leo 3199 Walworth Road					served with this Form 285 Number of parties to be served in this case Check for service				
Walworth, N	NY 14568					on U.S.A.	J		
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service): Hours of Operation: assumed to be 8:30 A.M. to 4:30 P.M. General Phone: (202) 720-3351									
Signature of Attorney other Originator	requesting servi	ce on behalf of:	153 mr v.a.	20000000	TELEPHONE 1	NUMBER	DATE		
× (Engle)	<i>—</i>		☐ PLAIN	NDANT	(315) 53	(315) 538-8316		05/22/2021	
SPACE BEL	OW FOR U	JSE OF U.S.	MARSHAL	ONLY - DO	NOT WRIT	E BELOW THIS	LINE	-	
I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No.	District to Serve	Signature of Authorized USMS Deputy or Clerk Date					
I hereby certify and return that I havindividual, company, corporation, etc., a								on the	
☐ I hereby certify and return that I am	unable to locate	the individual,	company, corpo	ration, etc. named	above (See remo	rks below)			
Name and title of individual served (if not shown above)				Date	Time	☐ am			
Address (complete only different than shown above) Costs shown on attached USMS Cost Sheet >>				Signature of U.S. Ma	rshal or Deputy	and the second			
		Carata a	TENTER OF MALLEY	<u> </u>	Michigan Committee Committ				

U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court for the Western District of New York

TO:	United States Department of Agriculture and Andrea D'Ambrosio	Civil Action, File Number	20-CV-7039			
10.	ATTN: Civil Process Clerk	Carrie M. Leo				
	USDA Office of the General Counsel - Headquarters	V.				
	Room 107W Whitten Building	NYSDEC e	t al.			
	1400 Independence S.W.					
	Washington, D. C. 20250-1400					
New Yo	enclosed summons and complaint are served pursuant to Roork State law.					
You within 60	MUST COMPLETE the acknowledgment part of this form by days. An envelope has been enclosed for this purpose. Keep	pelow, AND RETURN COPIES 1 As copy 3 for your records.	AND 2 to the sender			
corporat relations	U MUST SIGN AND DATE THE ACKNOWLEDGMENT ion, unincorporated association (including a partnership), or ship to that entity. If you are served on behalf of another per under your signature your authority.	other entity, you must indicate un	der your signature your			
behalf y	ou do not complete and return copies 1 and 2 of this form to ou are being served) may be required to pay any expenses in permitted by law.	the sender within 60 days, you (or neurred in serving a summons and	the party on whose complaint in any other			
answer t	ou do complete and return copies 1 and 2 of this form, you (the complaint within 21 days for private defendants and/or 6 at the taken against you for the relief demands	0 days for Federal defendants. If y	re being served) must you fail to do so,			
	clare, under penalty of perjury, that this Notice and Acknow iled on this date.	ledgment of Receipt of Summons	and Complaint By Mail			
Date of Si	ignature	Signature (USMS Official)				
	ACKNOWLEDGMENT OF RECEIPT OF	F SUMMONS AND COMPLAIN	T			
I dec manner a	clare, under penalty of perjury, that I received a copy of the summ at:	ons and of the complaint in the above	captioned			
Stree	et Number and Street Name or P.O. Box No.	Relationship to Entity/Authority to Re	ceive			
City,	State and Zip Code	Service of Process	· · · · · · · · · · · · · · · · · · ·			
Sign	ature	Date of Signature				
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Copy 1 - Clerk of Court

Copy 2 - United States Marshals Service

Copy 3 - Addressee

Copy 4 - USMS District Suspense

USM Form-299 Rev. 05/10 Automated 10/03

United States District Court

for the

Western District of New York

Carrie M. Leo, Plaintiff,

-V-

New York State Department of Environmental Conservation & the United States Department of Agriculture and the following INDIVIDUALS in their individual and official capacities: BASIL SEGGOS - Commissioner, SONNY PERDUE - Secretary, WILLIAM POWELL - Lieutenant/Captain, DEC Division of Law Enforcement, JOSEPH THERRIEN - Director, Special Licenses Unit, ANDREA D'AMBROSIO - USDA Animal Care Inspector and John/Jane Does #1-15,

Civil Action No.: 6:20-cv-07039-FPG

Defendants.

SUMMONS IN A CIVIL ACTION

To: Merrick Garland, U.S. Attorney General United States Department of Justice 950 Pennsylvania Avenue, NW Washington, D.C. 20530

A lawsuit has been filed against the aforementioned staff of the United States Department of Agriculture.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Carrie M. Leo 3199 Walworth Road Walworth, NY 14568 ph: (315) 538-8316

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

		CLERK OF COURT
Date:	, 2021	
		Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No.: 6:20-cv-07039-FPG

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

This summons for the U.S. Attorney General was received by me on (date)				_, 2021.	
☐ I personally served the s	ummons on the individu	ual at (place)_			
on (date)	, 202	1; or			
☐ I left the summons at the individual's residence or usual place of abode with (name)					
☐ I served the summons on (name of individual)					, who is
designated by law to accep	t service of process on l	behalf of (nam	e of organization)		
		on	(date)	; or	
☐ I returned the summons					; or
☐ Other (specify):					
My fees are \$ I declare under penalty of p			for services, for a tota	al of \$	
Date:	2021.	***	Server's signature		
			Printed name and title	and the second s	
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Additional information regarding attempted service, etc.:

UNITED STATES DISTRICT COURT

for the

Western District of New York State

Fourth Division

	Case No.	20-cv-7039-FPG		
		go befille	ed in by the Clerk's Office)	
Carrie M. Leo				
Plainaff(s)			***************************************	
	Jury Trial:	(check one)	⊠ Yes □ No	
man was a second of the second)			
New York State Department of Environmental Conservation & the United Stated Department of Agriculture and the following INDIVIDUALS, in their individual and official capacities:BASIL SEGGOS - Commissioner, SONNY PERDUE - Secretary, WILLIAM POWELL - Lieuteanant/Captain,DEC Division of Law Enforcement, JOSEPH THERRIEN - Director, DEC Special Licenses Unit, ANDREA D'AMBROSIO - USDA Animal Care Inspector and *John/Jane Does #1-15.)))))))	DEC	S DISTRICT COLLAR -4 2020 WENGUTH, CLEEN DISTRICT OF NOT	
Defendantis)	.).			

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

L The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Carrie M. Leo

Address

3 199 Walworth Road

Walworth

NY State 14568 Ziv Code

County

Wayne

Telephone Number

(315)538-8316

E-Mai I Address

carrieleo I5@gmail.com

Citv

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Citv

Defendant No. 1

Name

New York State Department of Environmental Conservation

Job or Title (ifmown)

Address

625 Broadway

Albany

NY State 12233 Zio Code

County

Albany

Telephone Number

(518) 402-8401

E-Mail Address (iflmown)

Defendant No. 2

Name

Basil Seggos

Job or Title (ifknown)

Commissioner

Address

625 Broadway

Albany

NY State 12233 Zio Code

County

Albany

Telephone Number

(518) 402-840 I

E-Mail Address (ifknown)

unknown

✓ Individual capacity

City

Official capacity

Case 6:20-6v-07039-FPG Document 30 FHedd 12/0/2/02/01 Plage 340f d 587

Pro Se 15 (Kev. 12/10) Complaint for Violat.

(Civil Rights (Non-Prisoner)

Defendant No. 3

Name

United States Department of Agriculture

Job or Title (if known)

Address

1400 Independence Avenue, S.W.

Washington

DC

20250

City

State

Zip Code

County

District of Columbia

Telephone Number

202-720-2791

E-Mail Address (if known)

✓ Individual capacity

Official capacity

Defendant No. 4

Name

Sonny Perdue

Job or Title (if known)

Secretary

Address

1400 Independence Avenue., S.W.

Washington

DC State

20250 Zip Code

Cin

County

District of Columbia

Telephone Number

202-720-2791

E-Mail Address (if known)

Individual capacity

Official capacity

Defendant No. 5

Name

Joe Therrien

Job or Title (if known)

Director, Special Licenses Unit

Address

625 Broadway, 5th Floor

Albany, City

NY State 12233-7011 Zin Code

County

Albany

Telephone Number

518-402-8985

E-Mail Address (if known)

joseph.therrien@dec.ny.gov

✓ Individual capacity :

M Official capacity

Defendant No. 6

Name

William Powell

Job or Title (if known)

Lieutenant/Captain, Division of Law Enforcement

Address

6274 East Avon-Lima Rd.

Avon.

NY

14414-9519

City

State

Zip Code

County

Livingston

Telephone Number

585-226-6706

E-Mail Address (if known)

william.powell@dec.ny.gov

☑ Individual capacity

Official capacity

Case 6:20-ev-07039-FPG Document 30 FHeld 125026201 Page 449f 1587

Pro Se 15 (Rev. 12/16) Complaint for Violat

[Civil Rights (Non-Prisoner)

Defendant No. 7

Name

Andrea D'Ambrosio

Job or Title (if known)

Animal Care Inspector

Address

1400 Independence Avenue, S.W.

Washington,

D.C. State 20250

City

Zip Coae

County

District of Columbia

Telephone Number

202-720-2791

E-Mail Address (if known)

M Individual capacity

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

- A. Are you bringing suit against (check all that apply):
 - Federal officials (a Bivens claim)
 - State or local officials (a § 1983 claim)
- B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Equal treatment under the law, freedom of speech, freedom of petition, freedom from unreasonable searches and seizures, right to due process of law, rights of accused person, freedom from cruel and unusual punishment, freedom to enjoy one's own property, freedom to not have property taken by the government without just compensation and freedom of establishing ones own business.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Due process, property rights, equal treatment under the law, chance for recourse/redress and false accusations/defamation.

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

On or around November 7, 2015, the Division of Law Enforcement of the DEC visited my wildlife center due to a neighbor contacting the agency about my having wild animals. I was duly licensed by the DEC and USDA to possess and exhibit wild and exotic animals. Although

the officers saw nothing of concern after touring the center, they returned on May 10, 2016 demanding another tour of the facility for an "inspection" and seizing a pack of six adult coyotes I possessed with the authority of my wildlife rehabilitation license through the DEC.

Two to three days afterward, the town zoning officer cited my stepfather, the landowner, for two alleged violations. On or around July 26, 2016, the DEC cited me with eleven citations mostly for possession of coyotes. The charges were resolved with a plea to two civil violations of my keeping opossums in hospital cages in the barn during the winter and for submitting an annual log for one of my licenses late; two alleged violations which are committed by other licenses frequently without citation or discipline.

In 2017, I became aware of Lt. Powell and Officer Thomas from the DEC acting against my business by making me take the entire center down even though it was constructed legally, and the town know of it. In fact, one of the zoning officers visited the center in or around December 2015 to look around and was given a tour of the entire facility. The zoning officer saw nothing of concern.

The DEC was not going to settle without my full surrendering of all licensure and the relocation of all animals, which was an extreme measure for a business which was duly licensed and operating within the confines of the law. The center even offered a community service of wildlife rehabilitation which was done on a volunteer basis and financed from personal funds and a few donations.

In April 2017, I boarded three animals with a colleague and friend I trusted at the time while I recovered from surgery. I boarded the animals in order to maintain the standard of care for the animals by temporarily keeping them with someone who could take care of them full-time until I recovered. However, without my permission and knowledge, the colleague took the animals out of New York State, with the help of specific staff members of the DEC and USDA and imported them illegally into Texas State.

Since then, I have been vying in court to gain repossession of the animals only to have interference from the DEC and USDA in convincing my colleague that I didn't have the proper licensing to keep the animals. Even though an attorney from the DEC's Office of General Counsel confirmed for me in writing that my licensing was, in fact, valid to have not only the animals back from my colleague but that I could have additional animals listed on the license if I were to obtain more animals, which I didn't plan on.

I was granted a preliminary injunction on September 10, 2018 (and amended on May 2, 2019) for the return of my animals. However, the Defendant started to allege, one by one, the animals were either stolen or deceased. However, evidence which I've gathered since then shows otherwise. The Defendant's attorney opted to use a number of highly unethical methods in prejudicing my repossession of the animals and teamed up with the DEC (and possibly the USDA).

The DEC has been giving the Defendant information and other documents which I have reason are prejudicing me against the assertion of my rights. Although I've asked for copies of the documents since they clearly had to do with me and my licensing of my animals and business, they have never given me copies.

I have also become aware of Lt. Powell, Joe Therrien, James Farquhar, Andrea D'Ambrosio and Tonya Hadijis (the former two from the DEC and the latter two from the USDA) acting against my interests and rights secretly by protecting the person who still has possession of my animals. I have sought assistance from everyone I can think of, including all the way up the "ladder" of

.Pro Se 15 (Rev. 12/16) Complaint for Violat

[Civil Rights (Non-Prisoner)

authority, so to speak, to the Commissioner of the DEC and the Secretary of the USDA only to be met with hostility or indifference.

In order to discredit me, both agencies have used the law to accuse me of violating laws which either don't exist, or which are improperly implied. In the meantime, DEC officials, namely Powell and Therrien, have incited my neighbors to act against me, including the vandalism of my center twice and unlawful release of my animals when I wasn't around the premises. Local (town, county) authorities and officials have been turned against me based on severely derogatory and personal statements made about me by Lt. Powell and Officer Kevin Thomas - the DEC Division of Law Enforcement officers who work in my region, referred to by the DEC as "Region 8."

My state licenses were either denied renewal in a very untimely fashion or revoked while the Department violated a multitude of regulations and rules during the process it took in doing so. Presently, the USDA is now invoking a proceeding to terminate my federal license simply because the state license was revoked. During any consideration the Department may have given concerning my licensing, I have had literally absolutely no say whatsoever, even and especially, in the hearing which was held to revoke one of my state licenses on March 13, 2018 (the license was revoked by final determination by the Commissioner on or around November 7, 2018).

Most recently, I have become aware that I am being defamed by the same staff members mentioned in this summary as I've been accused (not directly, of course) for animal cruelty, such as starving animals, etc. Powell has solicited false testimony in manipulating potential witnesses to say things about me which aren't true and for which there is no evidence or evidence which squarely contradicts statements he has coached other people to say against me.

There is no recourse or redress unless a person has considerable financial support or have connections in the government to "pull strings" much like what the DEC and USDA have done for the colleague of mine who stole my animals.

New York State Department of Environmental Conservation staff members Joe Therrien, Paul Stringer, William Powell and James Farquhar¹ misrepresented the licensing I had through the Department's Special Licenses Unit telling a person who was boarding animals for me that I didn't have the authority to possess such animals. However, the two licenses I had through the Department, the License for Wildlife Rehabilitation (LWR) and License to Collect & Possess (LCP) were valid for the year 2017 and most of 2018, respectively.

While talking to other individuals about my licensing, the Department repeatedly refused to give me status on my licenses never returning calls, emails, or letters. Even though my *License to Collect & Possess* continued to undergo rolling renewals annually in July 2017 and July 2018, I was never given an updated paper license, even though I had requested one. It is standard practice to give every licensee a paper version of their licenses However, when the colleague who boarded my animals contacted the SLU, he was not ignored at all and in fact a conspiracy developed between him and the Department in preventing the return of my animals even though this was part of the contract to which we both agreed before the boarding arrangement took place on or around April 23, 2017. Eventually the renewal applications for both licenses I sent to the Department were denied months after the 45-day deadline for the Department to respond or else there would be an automatic approval of the application. Technically, the applications were renewed automatically, and the LWR's new expiration date is 12/31/2022 and then LCP undergoes annual rolling renewals.

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I also have reason to believe the Department has helped this colleague fabricate an entire fable about me by justifying and telling members of the public and other authority figures that may enter the scene occasionally that I had the animals taken away from me due to neglect and/or cruelty and I wasn't licensed for them; both of which are not true. If this was the truth, then the individual who boarded my animals would also be in violation of the law then, as it is prohibited by virtue of all of his state and federal licensing conditions to acquire animals from an illegal source. However, since then he has exported the animals from New York State, traversed a number of states in traveling to Texas, imported the animals, including his own menagerie (which includes endangered species), unlawfully. He continues to possess all of the animals illegally to this day only carrying federal licensing to exhibit without respecting Texas state law and licensing indigenous species, furbearers, and endangered species. The three animals he took from me where all furbearers (fox, fisher and badger) and two were from species considered indigenous to the state of Texas.

It is clear he is passing around documents given to him by the DEC which have been referred to as a "phone summary" by Therrien in an email on or around November 8, 2017 which he states was written and given to my colleague. Another reference to yet another document was made by my colleague was on December 6, 2019 when he stated he had "orders" to "transport and dispose" of my animals. The Department has given me no notice whatsoever that any possession of my animals up to the time my colleague boarded them was unlawful and they knew what live inventory I had at the time as well.

Furthermore, I was never given any notice of "orders". In fact, I've requested copies of the documents numerous times from both my colleague and the Department to no avail. There is this "secret conspiracy" or collaboration between my colleague and the DEC as well as at least one staff member in the USDA working to keep my animals from returning to me. For mere possession, the animals do not need to be licensed - only if they are exhibited.

I have also been confronted by individuals who have spoken to Powell and possibly other officers who have made derogatory and untrue remarks concerning me, my business and character. These statements occurred during pending cases in which the Department cited me excessively and unfairly for the possession of wild animals which were authorized by the licensing I had at the time for wildlife rehabilitation. In addition to the fact that the Department tried entrapping me by refusing to process my amendment requests and renewal applications for the rehab and long-term possession license (LCP), according to their own regulation, the requests and renewals were already approved automatically at the 45-day deadline for the Department to send notice to the licensee of its decision to approve or decline amendment requests and licensing renewals.

The United States Department of Agriculture Animal Care Inspector, Andrea D'Ambrosio, encouraged my colleague to take as many animals as possible from my center with the intent not to return them. She also suggested a lien or agister's lien for the return of my animals. This denies due process rights as well as aid the commission of fraud and possibly other torts. covering up and allowing numerous violations of law by my colleague which led to his violation of at least three federal laws, in addition to a multitude of New York and Texas State Conservation Laws.

Furthermore, the animal care complaints I filed with the USDA were "investigated" by D'Ambrosio who did not put forth good-faith effort in determining what happened to my animals. In fact, I have reason to believe she told others, such as SBA Ombudsman, Steve Bennett, that I "forfeited" the animals, which, again, is untrue. Another inspector who responded to one of the

animal care complaints and did an inspection of the facility at which my colleague kept my animals in Texas failed to verify any state licensing, including export and import documentation. If she had, she would have seen that his activity with the animals was unlawful. However, it is likely the inspector was "under the thumb" of D'Ambrosio who was protecting my colleague as she too was collaborating with the New York State Department of Environmental Conservation in keeping my animals from me. This, from my understanding, is still occurring to this day.

While the above mentioned staff members and my colleague are violating a host of laws and have been in this case for years, I had my LWR untimely denied, my LCP revoked through a process during which the Department violated many of its own rules governing proceedings for licensing revocations and am currently fighting to keep my USDA Exhibitor's License. Yet the staff members have suffered no ill effects from violating my civil rights and breaking the very laws they are charged to uphold and enforce. Nor is my colleague required to follow the law and has broken far more than I had been accused of violating since this case began yet he still has yet to experience even one citation. He currently continues to possess my and his animals in the State of Texas unlawfully.

All efforts of mine at recourse or redress have been unsuccessful. In fact, my latest attempt with the USDA spears to have spurred their current attempt to terminate my federal exhibitor's license. The effect of the termination will be the inability of me to have, possess or transport any animals indefinitely, which is what the ultimate goal of DEC's and USDA's involved staff members are although they will not admit it publicly. These people are putting forth extreme effort in an even more extreme end result - especially for someone who does not deserve it.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Much of the allegations coming from the authorities occurred at my center in Walworth, NY. They are specified in the longer narratives contained herein. Other circumstances occurred during the case, Leo v Thomas Index No. 2017-1668 pending in the New York State Supreme Court of Jefferson County and is currently on appeal.

B. What date and approximate time did the events giving rise to your claim(s) occur?

This matter has been going on from the first Saturday of November 2015 to the present day. However, I did not become aware of the damage and intentions of the DEC and USDA until later. There are various dates such as dates when certain inflammatory statements were made, dates when misrepresentations of law were being made both in and out of Court especially when the preliminary injundation was granted for the return of my animals., etc.

Included as an attachment is a timeline incorporating the various dates as they correspond to the actions of the DEC, USDA and other parties and non-parties involved in this civil rights case.

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

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Background

In November 2015, Captain (then Lieutenant) Powell and I had a minor argument on the phone during which he threatened to terminate the licensing I had through the DEC. Not long afterward, I have reason to believe he riled up my neighbors and colleagues making derogatory remarks about me and my facility and sending around gossip and rumors about the same things. He also breached confidentiality. He never gave the Plaintiff a chance to abide by his expectations, even though they seemed to be different than those used for other licensees similarly situated. His approach was "one strike and you're out". Powell then imposed punishment on my family and I by manipulating town authorities to threaten my parents with tens of thousands of dollars of fines for things which weren't even wrong with their property. He had another officer tell me I had to get rid of all of my animals and take down all of the fencing, etc. down even though everything was licensed and legal. This is my business and a way to earn a living. He then collaborated with the person who stole my animals in July 2017 by passing around rumors that I was an animal abuser and starve animals, etc. None of this was true. Not to mention, I've never been cited for such things to this day. He has created an entire fable around my business and I instead of dealing with reality. He manipulated and had undue influence over potential witnesses having them lie for him to back up his lies. One witness stated he was upset when the officers, presumably at the command of Powell, tried getting him to say he was black marketing animals with me which wasn't true at all.

My licensing was misrepresented causing prejudice against me in the repossession of my animals. There are many more items but those will be included in the Amended Complaint.

James Farquhar and Joe Therrien have been interfering covertly with a case of mine and causing prejudice and conferring with the lawyer for the opposing side concerning my licensing which is being misrepresented. There are also at least two documents written for the defendant about me, the case and my licensing but they will not give me a copy but they have given a copy to the defendant, who was licensed just as I was so we were on equal footing and should have been treated that way.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I sustained no physical injuries related to the actions of the Desendants which necessitated medical attention.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

As a self-represented litigant, I do not know whether many things are within the jurisdiction of the Court or not. Hence, I realize I may request relief that may be inappropriate despite my best efforts to research and seek guidance from attorneys to prevent such inappropriate requests. As a result, I understand that some requests will be denied based on the fact that the Court does not have the ability or jurisdiction to provide certain types of relief I may request.

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With that in mind, following are the requests for relief based on the details in this complaint.

RELIEF REQUESTED

1. **DECLARATORY JUDGMENT** on the status of my licensing at the time I boarded my animals on April 23, 2017 as well as during the month of July 2017 when I became aware of my animals having been taken illegally out of New York State and how long the validity of my licensing remained intact before the Commissioner's final determination on revocation of the license on November 7, 2018. The license in question is the License to Collect & Possess #623.

2. DECLARATORY JUDGMENT

3. Transparency.

A. ORDER for DEC

- (1) to provide me a copy of the "phone summary" and "orders" which were mentioned in the November 8, 2017 email by Therrien to Tyler Thomas and to which Tyler alluded in the factbook post of December 6, 2019, respectively. These documents should be given to me since they've been given and passed around among other members of the public. In fact, I cannot be sure they didn't make it to the judge who dismissed my case in Leo v Thomas since the defense attorney would likely not be above doing something such as sending him the documents along with his motion for summary judgment or at another time during the case.
- (2) There are also emails which should also be unredacted and sent to me which will be included in the attachments to the amended complaint.⁵
- (3) to cease any collaboration with Tyler Thomas or any other individual or business that has any animals or other property of mine, in preventing the return of the property, especially if it is under order from a court of law. They should also be made to cease involvement, including advice, pertaining to legal proceedings in which they are not a party. Any other acts which result in prejudice against me, legally or otherwise, should also be ceased. Inflammatory remarks, including false accusations, should be immediately ceased as well as any breach of confidentiality.
- (4) I request the DEC is ordered to remove the Commissioner's final decision notice from their website since I am getting threats and many angry remarks from DEC supporters and those who receive "incentives" to help the DEC with their cases, such as those being rewarded with free animals taken, sometimes unlawfully, from people the DEC targets for political and/or personal reasons. It is also important to note that I have directly requested the DEC, in the recent past, to remove the notice due to concerns for my safety and that of my business. They promptly refused and in fact, promoted the page directing them to the notice with members of the public. This is quite hypocritical for an agency who passes stifling prohibitive restrictions against the possession of almost every kind of exotic animal due to the agency's alleged "concern" for public welfare and safety, yet they are encouraging those threatening me to act on those threats. Clearly, there is very little concern for the welfare and safety of others on the part of the Department.
- (5) I request both agencies, the DEC and USDA, cease any and all retaliative efforts, be they via the DLE officers spinning a yarn at my expense passing around inflammatory remarks and gossip about me and my affairs or via the legal process. I also should not experience any retaliation from either agency when I ask my legislative representatives to oppose the adoption

refer to phone summary exhibit

² refer to "orders" exhibit

³ refer to attachment which contains email between Therrien and tyler

⁴ refer to attachment with orders facebook post

⁵ make exhibit with redacted emails to be unredacted and sent to me

of regulations or other matters the agencies come up with which may be the focus about which I work with legislators.

B. ORDER for USDA.

- (1) The USDA was dishonest with me in regard to one of my foia requests⁶ for documents⁷ held by their IES department stating that the documents I requested were destroyed as they were kept for only one year, per policy. This is incorrect as IES policy is known to keep documents for six years and the documents are not destroyed and need to be turned over to me.
- (2) It is clear the USDA has used two sets of varying standards between other individuals, especially staff members and other licensees and I. Violations of federal and state laws should be managed consistently and fairly. I ask the Court to mandate the treatment of both staff members and licensees or any other individuals to be by the same standards given the severity of the misconduct. Given the multitude of violations by Tyler Thomas alone, termination of his federal Exhibitor's License should be considered as is the USDA mandating the return of my animals and working with Thomas in returning them to me.
- (3) Staff members like Andrea D'Ambrosio should also be held accountable for the damage she has done to both my business and my personal life with false accusations and colluding with the DEC in terminating licensure so I can never possess animals again. The extremism of this conduct and end-result is especially concerning. I should not be treated like a person convicted of felony animal cruelty, especially when I've never had even so much as a civil violation citing me for such. Staff members on both the state and federal levels should be made accountable.
- (4) I request amendments to my past USDA Animal Welfare inspection reports in which I believe I've been cited incorrectly. For instance, I was cited by D'Ambrosio for not arranging for a person to clean the animal enclosures daily when I was out of state for three days. Yet, when I did exactly that during my surgery in April 2017, she intervened and told the colleague who stole my animals that he should take as many animals as he can without the intention of ever returning them. The USDA should not have an inspector telling a licensee one thing then acting against her when she follows the inspector's instruction to avoid a similar citation under similar circumstances in the future.
- (5) Between the months of March 2020 and August 2020, the USDA staff altered inspection reports of mine by adding the word "CRITICAL" to many of the allegations in the reports which intensifies the alleged violation both with the agency and anyone who reads the report. Altering the reports in this manner is a direct violation of their agency procedure/protocol.

C. ORDER for both agencies; that is, the DEC and the USDA

- (1) Supervisory staff of those who have committed misconduct, both on the state and federal levels, should also be held accountable for failure to address the misconduct and in fact, going along with it and being apart of it instead. Supervisory staff in the DEC would partially consist of James Farquhar, who is the manager of Joseph Therrien of the SLU and Tonya Hadijis, as well as Betty Goldentyer of the Animal Care/Welfare Unit of the USDA-APHIS, were also aware of D'Ambrosio's misconduct and instead of protecting the licensee against the misuse of her position, the supervisors chose to condone it and, like the state agency, go along with and become apart of the misconduct. If staff members were held accountable, such misconduct would be much more of a rarity than it is now.
- (2) to revoke or terminate the licensure of the colleague who boarded my animals, Tyler Thomas. He is in clear violation of federal laws such as <u>The Animal Welfare Act</u>, the <u>Endangered Species Act</u> and the <u>Lacey Act</u> as well as the provisions of his licensing

⁶ foia request denied due to alleged destruction of IES records

⁷ usda documents redacted in foia

⁸ According to Executive

through the USFWS and the USDA. New York State laws which have been violated are numerous ECL and <u>6 NYCRR</u> provisions which forbid the acquirement of animals via unlawful sources (if I was supposedly unlawfully possessing my animals prior to boarding them with Thomas), possessing animals without proper licensing, not documenting export of all animals, including the endangered species in his collection of animals. The DEC writing "orders" for transporting and disposing of my animals occurred after Thomas already had the animals imported into Texas and the animals weren't given to him as they were still owned by me. The state cannot give away property belonging to someone else; especially, in this case, since I was indeed licensed properly to have them for exhibition. For mere possession, the animals do not need to be licensed as they can be apart of a personal collection. The DEC should also be mandated to work with the Texas Parks & Wildlife Department in levying charges against Thomas for the unlawful import,

(3) possession, exhibition, transport, etc. of animals which are supposed to be licensed under Texas conservation law. Lack of documentation and import certificates are also violations. There even was a likelihood Thomas trapped a wild badger and exported the animal out of Texas state without proper licensure. He had a trapping license but that did not authorize him to keep the animal in captivity for his own profit or for any other reason. He is supposed to apply for an additional state license in order to deal in animals caught from the wild in Texas.

His USFWS license should also be revoked since he left a red-tailed hawk in the possession of his family in New York when he moved to Texas with the rest of the animals. Andrea D'Ambrosio, his inspector at the time, helped him out by stating he had "no animals" at his facility when she stopped by for the last inspection of his in 2017 after he had moved to Texas. In fact, he had several animals still in his New York State facility in Alexandria Bay. Him giving the hawk to unlicensed caregivers is a clear violation of the federal Migratory Bird Treaty Act and should cause termination of the USFWS license he has.

There are also several other licensees who have been harboring wildlife and/or exotic animals illegally who should also face termination of licensure, both state and federal.

- A. Staff members of both the state and federal agencies involved should be terminated immediately and forbidden from working, volunteering, or associating themselves with public service agencies ever again.
 - 1. <u>Lieutenant/Captain William Powell</u> and <u>Officer Kevin Thomas</u> should be held accountable for violating state conservation laws as well as laws concerning breach of privacy, violation of constitutional rights, soliciting and using false testimony, conspiracy, and abusing the legal process by using zoning and non-zoning violations in order to destroy my business when there was no need to do so, especially in that matter. They should also be held accountable for conspiracy, aiding and abetting and failing to investigate and giving false citations to me.
 - 2. Joe Therrien, James Farquhar and Paul Stringer misrepresented my licensing in order to prejudice me in the return of my animals which I own. I had licensing until November 7, 2018 and still possess the federal exhibitor's license so therefore I was licensed to have and exhibit all animals which were yet to be returned to me by the other licensee/my colleague with whom I boarded the animals. All three staff members knew this, and this is why they are acting against my interests and rights secretly passing out documents they have written containing derogatory, mostly likely false, information pertaining to my ownership of my animals, my business and activities, possibly accusing me of animal cruelty, a completely unsubstantiated accusation but one which puts most people in instant judgment against the person against whom such an accusation is made. I cannot be certain if such documents made it to the judge in the Leo v Thomas matter thereby causing the dismissal of the case or if a staff member contacted the judge for the dismissal in order to avoid a jury trial.

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not authorize him to keep the animal in captivity for his own profit or for any other reason. He is supposed to apply for an additional state license in order to deal in animals caught from the wild in Texas.

His USFWS license should also be revoked since he left a red-tailed hawk in the possession of his family in New York when he moved to Texas with the rest of the animals. Andrea D'Ambrosio, his inspector at the time, helped him out by stating he had "no animals" at his facility when she stopped by for the last inspection of his in 2017 after he had moved to Texas. In fact, he had several animals still in his New York State facility in Alexandria Bay. Him giving the hawk to unlicensed caregivers is a clear violation of the federal Migratory Bird Treaty Act and should cause termination of the USFWS license he has.

Just because he was encouraged to do certain things by government departments doesn't mean he should be considered not to have violated the law. In fact, he is also acting under the color of law by colluding with the DEC and USDA committing unlawful acts and violating a plethora of laws. The the government too should be held accountable for violating the laws; especially when they then hypocritically turn around and make worthless allegations against me for doing so with little to no evidence to substantiate such charges. The state assured my conviction and licensure revocation by prejudicing my opportunity for fair hearings and decision-makers presiding over such hearings.

This is an extremely dangerous agency which revels in its place as a dictator of the people of this state. Countless rights have been denied to the people and because they get deference from the judiciary, they continue to abuse the trust of the public by the unjust and exclusive management of natural resources as well as management of our personal property; the latter of which should not be occurring at all. The Plaintiff in this matter respectfully requests the Court to take such matters into consideration when deferring to this agency if it does at all. In this matter, especially, the agency should not enjoy deference at all as this is energy pushing their unlawful imposition of an agenda of special interests and cruel treatment of the public. It is time the agency finally is held accountable in order to curb their misconduct which they so egregiously perpetrate against anyone exercising his or her rights.

There are also several other licensees who have been harboring wildlife and/or exotic animals illegally who should also face termination of licensure, both state and federal.

- A. Staff members of both the state and federal agencies involved should be terminated immediately and forbidden from working, volunteering, or associating themselves with public service agencies ever again.
 - 1. <u>Lieutenant/Captain William Powell</u> and <u>Officer Kevin Thomas</u> should be held accountable for violating state conservation laws as well as laws concerning breach of privacy, violation of constitutional rights, soliciting and using false testimony, conspiracy, and abusing the legal process by using zoning and non-zoning violations in order to destroy my business when there was no need to do so, especially in that matter. They should also be held accountable for conspiracy, aiding and abetting and failing to investigate and giving false citations to me.
 - 2. Joe Therrien, James Farquhar and Paul Stringer misrepresented my licensing in order to prejudice me in the return of my animals which I own. I had licensing until November 7, 2018 and still possess the federal exhibitor's license so therefore I was licensed to have and exhibit all animals which were yet to be returned to me by the other licensee/my colleague with whom I boarded the animals. All three staff members knew this, and this is why they are acting against my interests and rights secretly passing out documents they have written containing derogatory, mostly likely false, information pertaining to my ownership of my animals, my business and activities, possibly accusing me of animal cruelty, a completely unsubstantiated accusation but one which puts most people in instant judgment against the person against

whom such an accusation is made. I cannot be certain if such documents made it to the judge in the Leo v Thomas matter thereby causing the dismissal of the case or if a staff member contacted the judge for the dismissal in order to avoid a jury trial.

- 3. Andrea D'Ambrosio should be held accountable with unlawful interference with a contract/business relationship and/or opportunity, conspiracy, aiding and abetting, defamation, false accusations, violations of the *Animal Welfare Act* and failure to conduct good-faith investigations concerning the case of stolen animals.⁹
- 4. <u>DEC</u> failure to enforce laws, rules, and regulations. failure to acknowledge redress I attempted and providing or blocking any recourse I could have for relief against unfair treatment by the agency.
- 5. USDA same as for the DEC described in previous paragraph.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

August 23, 2020

Signature of Plaintiff

Printed Name of Plaintiff Carrie M. Leo

Sworn to before me this 23rd day of November 2020

Public Notar

LAUREN FRIEDL
Notary Public - State of New York
NO. 07FR6383306
Qualified in Wayne County
My Commission Expires Nov 13, 2022

⁹ Even after I requested the Animal Care Division staff to not allow D'Ambrosio close to any information concerning me and my business since she was no longer associated with me as an animal care inspector, the management still put her and her supervisor, Tonya Hadijis, as main contacts for "investigating" the animal care complaints I submitted. Of course, the information I sent in or noted was not even accessed, much less considered as part of the investigation by D'Ambrosio. It makes no sense to put a person who is implicated in a complaint as "investigator" of the complaint. Clearly, they will cover up their involvement and that is exactly what she did.

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS		DEFEND	DEFENDANTS						
Carrie M. Leo		NYSDEC	NYSDEC, USDA, Seggos, Powell, Therrien, Perdue, D'Ambrosio & John/Jane Does #1-15						
(b) County of Residence of First Listed Plaintiff Wayne		County of R	County of Residence of First Listed Defendant Albany						
	XCEPT IN U.S. PLAINTIFF CASES)		NOTE: IN TH	LAND CO E TRACT	(IN U.S. P NDEMNATI OF LAND IN	<i>LAINTIFF CASES O</i> ON CASES, USE TI IVOLVED.	<i>NLY)</i> HE LOCATION	OF	
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	I litigant, request for app	ointment of			YSDEC	Seggos, Pov	vell and Th	nerrien.	
attorney accomp	panies this sheet and su	bmitted to the	U.S. Atto			erdue and D'			
Court	YOTHOW	TT.	I. CITIZENSHIP					One Boy fe	or Plaintiff
II. BASIS OF JURISD	ICTION (Place an "X" in One B	Box Only)	(For Diversity Ca	ses ()nly)			ind One Box for	Defendant)	•
U.S. Government Plaintiff	3 Federal Question (U.S. Government Not a	Party)	Citizen of This State	P1		Incorporated or Pri of Business In T		PTF 4	DEF 4
■ 2 U.S. Government Defendant	4 Diversity (Indicate Citizenship of F	Parties in Item III)	Citizen of Another State	• 🗆	2	Incorporated and P of Business In A		5	<u></u> 5
			Citizen or Subject of a Foreign Country			Foreign Nation		☐ 6	<u></u> 6
IV. NATURE OF SUIT	(Place an "X" in One Box Only) TORTS		FORFEITURE/PEN			for: Nature of S		STATUT	
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120 Marine	310 Airplane 30	65 Personal Injury - Product Liability	of Property 21 U	JSC 881	423 Wit	hdrawal USC 157	376 Qui Ta		С
130 Miller Act 140 Negotiable Instrument	315 Airplane Product Liability 36	67 Health Care/	- Good Other				400 State F	Reapportion	nment
150 Recovery of Overpayment & Enforcement of Judgment	320 Assault, Libel & Slander	Pharmaceutical Personal Injury			PROPE 820 Cor	RTY RIGHTS syrights	410 Antitro 430 Banks		ng
151 Medicare Act	330 Federal Employers'	Product Liability	[830 Pate		450 Comm		
152 Recovery of Defaulted Student Loans	Liability 340 Marine	68 Asbestos Personal Injury Product			Nev	v Drug Application	470 Racket	eer Influen	
(Excludes Veterans)	345 Marine Product Liability PEI	Liability RSONAL PROPERTY	LABOR		840 Tra 880 Def	demark end Trade Secrets	480 Consu	t Organiza mer Credit	
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160 Stockholders' Suits 190 Other Contract		71 Truth in Lending 80 Other Personal	Act 720 Labor/Managem	ent	SOCIA	L SECURITY		tion Act	anci
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REAL PROPERTY	Medical Malpractice CIVIL RIGHTS PR	ISONER PETITIONS	Leave Act 790 Other Labor Liti	gation		D Title XVI (405(g))	890 Other		
210 Land Condemnation	X 440 Other Civil Rights H	labeas Corpus:	791 Employee Retire	ement			893 Enviro		
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		Conditions of Confinement							
V. ORIGIN (Place an "X" i	n One Box Only)							14 14131	
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IX	Cite the U.S. Civil Statute u	under which you are f	iling (Do not cite jurisdic	tional state	utes unless d	iversity):			
VI. CAUSE OF ACTION	Brief description of cause: civil rights violations, includir	ng Bivens							
VII. REQUESTED IN COMPLAINT:	CHECK IF THIS IS A UNDER RULE 23, F.F.		DEMAND \$			HECK YES only URY DEMAND:		complai	nt:
VIII. RELATED CASI	E(S) (See instructions): JUD	OGE			DOCK	ET NUMBER			
DATE	S	MATURE OF ATTO	RNEY OF RECORD						
Nov 22, 2020	(En o	W CEE						
FOR OFFICE USE ONLY									
RECEIPT # Al	MOUNT	APPLYING IFP	J	UDGE		MAG. JUE	OGE		

Case 6:20-cv-07039-FPG Document 30 Filed 65/26/25s Rege 61Pf 8AND RETURN

U.S. Department of Justice

See "Instructions for Service of Process by U.S. Marshal"

United States Marshals Service					
	COURT CASE NU	MBER			
PLAINTIFF Carrie M. Leo		20-cv-7039			
DEFENDANT	TYPE OF PROCES	38			
New York Department of Environmental Conservation & the United States Department and the following INDIVIDUALS in their individual and official capacities SEGGOS - DEC Commissioner; WILLIAM POWELL - Lieutenant/Captain, DEC Division Enforcement, JOSEPH THERRIEN - director, Special Licenses Unit, United States De of Agriculture, ANDREA D'AMBROSIO USDA Animal Care Inspector and John/Jan D	on of Law epartment	Service			
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DE		SEIZE OR CONDEMN			
United States Department of Agriculture and And	lrea D'Ambrosio <i>(Anin</i>	nal Care Inspector)			
ADDRESS (Street or RFD. Anartment No., City, State and ZIP Code)	s P. Kennedy, United State Delaware Street				
Buffa	llo, New York 14202				
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to				
Carrie M. Leo	served with this Form Number of parties to served in this case	34 4/3/			
3199 Walworth Road	Check for service				
Walworth, NY 14568	on U.S.A.				
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service): Hours of Operation: assumed to be 8:30 A.M. to 4:30 P.M. General Phone # (716) 843-5700					
Signature of Attorney other Originator requesting service on behalf of: PLAINTIFF	LEPHONE NUMBER	DATE			
× Can Defendant	(315) 538-8316	05/22/2021			
SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NO	OT WRITE BELOW THIS	SLINE			
I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted) Total Process District of Origin Serve No. No.	Signature of Authorized USMS Deputy or Clerk Date				
I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.					
I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)					
Name and title of individual served (if not shown above)	Date	Time am			
Address (complete only different than shown above)	Signature of U.S. M	arshal or Deputy			
Costs shown on attached USMS Cost Sheet	>>				

U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court for the Western District of New York

TO:	United States Department of Agriculture and Andrea D'Ambrosio	Civil Action, File Number	20-CV-7039		
ATTN: Civil Process Clerk	ATTN: Civil Process Clerk United States Attorney	Carrie M. I	Leo		
138 Delaware Avenue U.S. Attorney's Office Federal Centre		v. NYSDEC e	et al.		
	Buffalo, NY 14202				
	enclosed summons and complaint are served pursuant to Rusek State law.	le 4(e)(1) of the Federal Rules of	Civil Procedure, and		
You within 60	MUST COMPLETE the acknowledgment part of this form be days. An envelope has been enclosed for this purpose. Keep	elow, AND RETURN COPIES 1 Accopy 3 for your records.	AND 2 to the sender		
corporati	J MUST SIGN AND DATE THE ACKNOWLEDGMEN ton, unincorporated association (including a partnership), or hip to that entity. If you are served on behalf of another persunder your signature your authority.	other entity, you must indicate un	der your signature your		
behalf yo	ou do not complete and return copies 1 and 2 of this form to to use being served) may be required to pay any expenses incormitted by law.	he sender within 60 days, you (or curred in serving a summons and	the party on whose complaint in any other		
answer th	ou do complete and return copies 1 and 2 of this form, you (on the complaint within 21 days for private defendants and/or 60 to by default will be taken against you for the relief demanded	days for Federal defendants. If y	re being served) must you fail to do so,		
I dec	clare, under penalty of perjury, that this Notice and Acknowled on this date.	edgment of Receipt of Summons	and Complaint By Mail		
Date of Sig	gnature	Signature (USMS Official)			
	ACKNOWLEDGMENT OF RECEIPT OF	SUMMONS AND COMPLAIN	T		
I dec manner a	lare, under penalty of perjury, that I received a copy of the summo	ns and of the complaint in the above	captioned		
Street	Number and Street Name or P.O. Box No.	Relationship to Entity/Authority to Re	eceive		
City,	State and Zip Code	Service of Process	÷.		
Signa	ture	Date of Signature			

Copy 1 - Clerk of Court

Copy 2 - United States Marshals Service

Copy 3 - Addressee

Copy 4 - USMS District Suspense

USM Form-299 Rev. 05/10 Automated 10/03

United States District Court

for the

Western District of New York

Carrie M. Leo, Plaintiff,

v-

New York State Department of Environmental Conservation & the United States Department of Agriculture and the following INDIVIDUALS in their individual and official capacities: BASIL SEGGOS - Commissioner, SONNY PERDUE - Secretary, WILLIAM POWELL - Lieutenant/Captain, DEC Division of Law Enforcement, JOSEPH THERRIEN - Director, Special Licenses Unit, ANDREA D'AMBROSIO - USDA Animal Care Inspector and John/Jane Does #1-15,

Civil Action No.: 6:20-cv-07039-FPG

Defendants.

SUMMONS IN A CIVIL ACTION

To: United States Department of Agriculture and Andrea D'Ambrosio - Animal Care Inspector

James P. Kennedy, Jr. United States Attorney for the Western District of New York 130 Delaware Avenue Buffalo, NY 14202

A lawsuit has been filed against the aforementioned staff of the United States Department of Agriculture.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Carrie M. Leo 3199 Walworth Road Walworth, NY 14568 ph: (315) 538-8316

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

		CLERK OF COURT
Date:	. 2021	Signature of Clerk or Denuty Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No.: 6:20-cv-07039-FPG

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

This summons for the <u>U</u> 20	.S. Attorney's Office was received	ived by me on (date)		,
☐ I personally served th	ne summons on the individual a	at (place)		
	, 2020; o			
☐ I left the summons at person of suitable age and mailed a copy to	the individual's residence or use and discretion who resides the the individual's last known ad	usual place of abode with (name) nere, on ldress; or	,20	, a
☐ I served the summons	s on (name of individual)			, who is
designated by law to ac	cept service of process on beha	alf of (name of organization)		
		on (date)	; or	
☐ I returned the summo				; or
☐ Other (specify):				
My fees are \$	for travel and \$	for services, for a total of \$_		
I declare under penalty	of perjury that this information	n is true.		
Date:	20	Server's signature		
		Printed name and title	and the second s	
		Server's address		<u>5</u>

Additional information regarding attempted service, etc:

Pro Se 15 (Rev. 12/16) Complaint for Violation - Trial Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

Western District of New York State

Fourth Division

	Case No. 20-cv-7039-FPG
	(to be filled in by the Clerk's Office)
Carrie M. Leo	
Plainaff(s)	
-v-	Jury Trial: (check one) Yes I No
New York State Department of Environmental Conservation & the United Stated Department of Agriculture and the following INDIVIDUALS, in their individual and official capacities:BASIL SEGGOS - Commissioner, SONNY PERDUE - Secretary, WILLIAM POWELL - Lieuteanant/Captain,DEC Division of Law Enforcement, JOSEPH THERRIEN - Director, DEC Special Licenses Unit, ANDREA D'AMBROSIO - USDA Animal Care Inspector and *John/Jane Does #1-15.	DEC - 4 2020 WARD C LOSWENGUTH CLERK STERN DISTRICT OF MY
Defendant(s)	

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

L The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Carrie M. Leo

Address

3 199 Walworth Road

Walworth

NY State 14568 Ziv Code

County

Wayne

Telephone Number

(315)538-8316

E-Mai I Address

carrieleo I5@gmail.com

Citv

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Citv

Defendant No. 1

Name

New York State Department of Environmental Conservation

Job or Title (ifknown)

Address

625 Broadway

Albany

NY State 12233 Zio Code

County

Albany

Telephone Number

(518) 402-8401

E-Mail Address (iflatown)

Defendant No. 2

Name

Basil Seggos

Job or Title (ifknown)

Commissioner

Address

625 Broadway

Albany

NY State 12233 Zio Code

County

Albany

Telephone Number

(518) 402-840 I

E-Mail Address (ifknown)

unknown

M Individual capacity

City

Official capacity

Case 6:20-6V-97039-FPG Decument 30 Fffed 127041201 Plage 366f 1587

Pro Se 15 (Kev. 12/10) Complaint for Violat.

(Civil Rights (Non-Prisoner)

Defendant No. 3 Name

United States Department of Agriculture

Job or Title (if known)

Address

1400 Independence Avenue, S.W.

Washington

DC

20250

City

State

Zip Code

County

District of Columbia

Telephone Number

202-720-2791

E-Mail Address (if known)

☐ Individual capacity

Official capacity

Defendant No. 4

Name

Sonny Perdue

Job or Title (if known)

Secretary

Address

County

1400 Independence Avenue., S.W.

Washington

DC State 20250 Zip Code

City

District of Columbia

Telephone Number

202-720-2791

E-Mail Address (if known)

☐ Individual capacity

Official capacity

Defendant No. 5

Name

Joe Therrien

Job or Title (if known)

Director, Special Licenses Unit

Address

625 Broadway, 5th Floor

Albany,

NY State 12233-7011 Zip Code

County

Albany

Telephone Number

518-402-8985

E-Mail Address (if known)

joseph.therrien@dec.ny.gov

M Individual capacity

Official capacity

Defendant No. 6

Name

William Powell

Job or Title (if known)

Lieutenant/Captain, Division of Law Enforcement

Address

6274 East Avon-Lima Rd.

Avon,

NY

14414-9519

City

State

Zip Code

County

Livingston

Telephone Number

585-226-6706

E-Mail Address (if known)

william.powell@dec.ny.gov

☐ Individual capacity

Official capacity

Pro Se 15 (Rev. 12/16) Complaint for Violat

TCivil Rights (Non-Prisoner)

Defendant No. 7

Name

Andrea D'Ambrosio

Job or Title (if known)

Animal Care Inspector

Address

1400 Independence Avenue, S.W.

Washington,

D.C.

20250

City

,

State

Zip Coae

County

District of Columbia

Telephone Number

202-720-2791

E-Mail Address (if known)

M Individual capacity

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

- A. Are you bringing suit against (check all that upply):
 - Federal officials (a Bivens claim)
 - State or local officials (a § 1983 claim)
- B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Equal treatment under the law, freedom of speech, freedom of petition, freedom from unreasonable searches and seizures, right to due process of law, rights of accused person, freedom from cruel and unusual punishment, freedom to enjoy one's own property, freedom to not have property taken by the government without just compensation and freedom of establishing ones own business.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Due process, property rights, equal treatment under the law, chance for recourse/redress and false accusations/defamation.

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

On or around November 7, 2015, the Division of Law Enforcement of the DEC visited my wildlife center due to a neighbor contacting the agency about my having wild animals. I was duly licensed by the DEC and USDA to possess and exhibit wild and exotic animals. Although

[Civil Rights (Non-Prisoner)

the officers saw nothing of concern after touring the center, they returned on May 10, 2016 demanding another tour of the facility for an "inspection" and seizing a pack of six adult coyotes I possessed with the authority of my wildlife rehabilitation license through the DEC.

Two to three days afterward, the town zoning officer cited my stepfather, the landowner, for two alleged violations. On or around July 26, 2016, the DEC cited me with eleven citations mostly for possession of coyotes. The charges were resolved with a plea to two civil violations of my keeping opossums in hospital cages in the barn during the winter and for submitting an annual log for one of my licenses late; two alleged violations which are committed by other licenses frequently without citation or discipline.

In 2017, I became aware of Lt. Powell and Officer Thomas from the DEC acting against my business by making me take the entire center down even though it was constructed legally, and the town know of it. In fact, one of the zoning officers visited the center in or around December 2015 to look around and was given a tour of the entire facility. The zoning officer saw nothing of concern.

The DEC was not going to settle without my full surrendering of all licensure and the relocation of all animals, which was an extreme measure for a business which was duly licensed and operating within the confines of the law. The center even offered a community service of wildlife rehabilitation which was done on a volunteer basis and financed from personal funds and a few donations.

In April 2017, I boarded three animals with a colleague and friend I trusted at the time while I recovered from surgery. I boarded the animals in order to maintain the standard of care for the animals by temporarily keeping them with someone who could take care of them full-time until I recovered. However, without my permission and knowledge, the colleague took the animals out of New York State, with the help of specific staff members of the DEC and USDA and imported them illegally into Texas State.

Since then, I have been vying in court to gain repossession of the animals only to have interference from the DEC and USDA in convincing my colleague that I didn't have the proper licensing to keep the animals. Even though an attorney from the DEC's Office of General Counsel confirmed for me in writing that my licensing was, in fact, valid to have not only the animals back from my colleague but that I could have additional animals listed on the license if I were to obtain more animals, which I didn't plan on.

I was granted a preliminary injunction on September 10, 2018 (and amended on May 2, 2019) for the return of my animals. However, the Defendant started to allege, one by one, the animals were either stolen or deceased. However, evidence which I've gathered since then shows otherwise. The Defendant's attorney opted to use a number of highly unethical methods in prejudicing my repossession of the animals and teamed up with the DEC (and possibly the USDA).

The DEC has been giving the Defendant information and other documents which I have reason are prejudicing me against the assertion of my rights. Although I've asked for copies of the documents since they clearly had to do with me and my licensing of my animals and business, they have never given me copies.

I have also become aware of Lt. Powell, Joe Therrien, James Farquhar, Andrea D'Ambrosio and Tonya Hadijis (the former two from the DEC and the latter two from the USDA) acting against my interests and rights secretly by protecting the person who still has possession of my animals. I have sought assistance from everyone I can think of, including all the way up the "ladder" of

.Pro Se 15 (Rev. 12/16) Complaint for Violat

[Civil Rights (Non-Prisoner)

authority, so to speak, to the Commissioner of the DEC and the Secretary of the USDA only to be met with hostility or indifference.

In order to discredit me, both agencies have used the law to accuse me of violating laws which either don't exist, or which are improperly implied. In the meantime, DEC officials, namely Powell and Therrien, have incited my neighbors to act against me, including the vandalism of my center twice and unlawful release of my animals when I wasn't around the premises. Local (town, county) authorities and officials have been turned against me based on severely derogatory and personal statements made about me by Lt. Powell and Officer Kevin Thomas - the DEC Division of Law Enforcement officers who work in my region, referred to by the DEC as "Region 8."

My state licenses were either denied renewal in a very untimely fashion or revoked while the Department violated a multitude of regulations and rules during the process it took in doing so. Presently, the USDA is now invoking a proceeding to terminate my federal license simply because the state license was revoked. During any consideration the Department may have given concerning my licensing, I have had literally absolutely no say whatsoever, even and especially, in the hearing which was held to revoke one of my state licenses on March 13, 2018 (the license was revoked by final determination by the Commissioner on or around November 7, 2018).

Most recently, I have become aware that I am being defamed by the same staff members mentioned in this summary as I've been accused (not directly, of course) for animal cruelty, such as starving animals, etc. Powell has solicited false testimony in manipulating potential witnesses to say things about me which aren't true and for which there is no evidence or evidence which squarely contradicts statements he has coached other people to say against me.

There is no recourse or redress unless a person has considerable financial support or have connections in the government to "pull strings" much like what the DEC and USDA have done for the colleague of mine who stole my animals.

New York State Department of Environmental Conservation staff members Joe Therrien, Paul Stringer, William Powell and James Farquhar¹ misrepresented the licensing I had through the Department's Special Licenses Unit telling a person who was boarding animals for me that I didn't have the authority to possess such animals. However, the two licenses I had through the Department, the License for Wildlife Rehabilitation (LWR) and License to Collect & Possess (LCP) were valid for the year 2017 and most of 2018, respectively.

While talking to other individuals about my licensing, the Department repeatedly refused to give me status on my licenses never returning calls, emails, or letters. Even though my *License to Collect & Possess* continued to undergo rolling renewals annually in July 2017 and July 2018, I was never given an updated paper license, even though I had requested one. It is standard practice to give every licensee a paper version of their licenses. However, when the colleague who boarded my animals contacted the SLU, he was not ignored at all and in fact a conspiracy developed between him and the Department in preventing the return of my animals even though this was part of the contract to which we both agreed before the boarding arrangement took place on or around April 23, 2017. Eventually the renewal applications for both licenses I sent to the Department were denied months after the 45-day deadline for the Department to respond or else there would be an automatic approval of the application. Technically, the applications were renewed automatically, and the LWR's new expiration date is 12/31/2022 and then LCP undergoes annual rolling renewals.

.Pro Se 15 (Rev. 12/16) Complaint for Violat

Civil Rights (Non-Prisoner)

I also have reason to believe the Department has helped this colleague fabricate an entire fable about me by justifying and telling members of the public and other authority figures that may enter the scene occasionally that I had the animals taken away from me due to neglect and/or cruelty and I wasn't licensed for them; both of which are not true. If this was the truth, then the individual who boarded my animals would also be in violation of the law then, as it is prohibited by virtue of all of his state and federal licensing conditions to acquire animals from an illegal source. However, since then he has exported the animals from New York State, traversed a number of states in traveling to Texas, imported the animals, including his own menagerie (which includes endangered species), unlawfully. He continues to possess all of the animals illegally to this day only carrying federal licensing to exhibit without respecting Texas state law and licensing indigenous species, furbearers, and endangered species. The three animals he took from me where all furbearers (fox, fisher and badger) and two were from species considered indigenous to the state of Texas.

It is clear he is passing around documents given to him by the DEC which have been referred to as a "phone summary" by Therrien in an email on or around November 8, 2017 which he states was written and given to my colleague. Another reference to yet another document was made by my colleague was on December 6, 2019 when he stated he had "orders" to "transport and dispose" of my animals. The Department has given me no notice whatsoever that any possession of my animals up to the time my colleague boarded them was unlawful and they knew what live inventory I had at the time as well.

Furthermore, I was never given any notice of "orders". In fact, I've requested copies of the documents numerous times from both my colleague and the Department to no avail. There is this "secret conspiracy" or collaboration between my colleague and the DEC as well as at least one staff member in the USDA working to keep my animals from returning to me. For mere possession, the animals do not need to be licensed - only if they are exhibited.

I have also been confronted by individuals who have spoken to Powell and possibly other officers who have made derogatory and untrue remarks concerning me, my business and character. These statements occurred during pending cases in which the Department cited me excessively and unfairly for the possession of wild animals which were authorized by the licensing I had at the time for wildlife rehabilitation. In addition to the fact that the Department tried entrapping me by refusing to process my amendment requests and renewal applications for the rehab and long-term possession license (LCP), according to their own regulation, the requests and renewals were already approved automatically at the 45-day deadline for the Department to send notice to the licensee of its decision to approve or decline amendment requests and licensing renewals.

The United States Department of Agriculture Animal Care Inspector, Andrea D'Ambrosio, encouraged my colleague to take as many animals as possible from my center with the intent not to return them. She also suggested a lien or agister's lien for the return of my animals. This denies due process rights as well as aid the commission of fraud and possibly other torts. covering up and allowing numerous violations of law by my colleague which led to his violation of at least three federal laws, in addition to a multitude of New York and Texas State Conservation Laws.

Furthermore, the animal care complaints I filed with the USDA were "investigated" by D'Ambrosio who did not put forth good-faith effort in determining what happened to my animals. In fact, I have reason to believe she told others, such as SBA Ombudsman, Steve Bennett, that I "forfeited" the animals, which, again, is untrue. Another inspector who responded to one of the

animal care complaints and did an inspection of the facility at which my colleague kept my animals in Texas failed to verify any state licensing, including export and import documentation. If she had, she would have seen that his activity with the animals was unlawful. However, it is likely the inspector was "under the thumb" of D'Ambrosio who was protecting my colleague as she too was collaborating with the New York State Department of Environmental Conservation in keeping my animals from me. This, from my understanding, is still occurring to this day.

While the above mentioned staff members and my colleague are violating a host of laws and have been in this case for years, I had my LWR untimely denied, my LCP revoked through a process during which the Department violated many of its own rules governing proceedings for licensing revocations and am currently fighting to keep my USDA Exhibitor's License. Yet the staff members have suffered no ill effects from violating my civil rights and breaking the very laws they are charged to uphold and enforce. Nor is my colleague required to follow the law and has broken far more than I had been accused of violating since this case began yet he still has yet to experience even one citation. He currently continues to possess my and his animals in the State of Texas unlawfully.

All efforts of mine at recourse or redress have been unsuccessful. In fact, my latest attempt with the USDA spears to have spurred their current attempt to terminate my federal exhibitor's license. The effect of the termination will be the inability of me to have, possess or transport any animals indefinitely, which is what the ultimate goal of DEC's and USDA's involved staff members are although they will not admit it publicly. These people are putting forth extreme effort in an even more extreme end result - especially for someone who does not deserve it.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
 - Much of the allegations coming from the authorities occurred at my center in Walworth, NY. They are specified in the longer narratives contained herein. Other circumstances occurred during the case, Leo v Thomas Index No. 2017-1668 pending in the New York State Supreme Court of Jefferson Coumty and is currently on appeal.
- B. What date and approximate time did the events giving rise to your claim(s) occur?
 - This matter has been going on from the first Saturday of November 2015 to the present day. However, I did not become aware of the damage and intentions of the DEC and USDA until later. There are various dates such as dates when certain inflammatory statements were made, dates when misrepresentations of law were being made both in and out of Court especially when the preliminary injundation was granted for the return of my animals., etc.
 - Included as an attachment is a timeline incorporating the various dates as they correspond to the actions of the DEC, USDA and other parties and non-parties involved in this civil rights case.
- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

(Civil Rights (Non-Prisoner)

Background

In November 2015, Captain (then Lieutenant) Powell and I had a minor argument on the phone during which he threatened to terminate the licensing I had through the DEC. Not long afterward, I have reason to believe he riled up my neighbors and colleagues making derogatory remarks about me and my facility and sending around gossip and rumors about the same things. He also breached confidentiality. He never gave the Plaintiff a chance to abide by his expectations, even though they seemed to be different than those used for other licensees similarly situated. His approach was "one strike and you're out". Powell then imposed punishment on my family and I by manipulating town authorities to threaten my parents with tens of thousands of dollars of fines for things which weren't even wrong with their property. He had another officer tell me I had to get rid of all of my animals and take down all of the fencing, etc. down even though everything was licensed and legal. This is my business and a way to earn a living. He then collaborated with the person who stole my animals in July 2017 by passing around rumors that I was an animal abuser and starve animals, etc. None of this was true. Not to mention, I've never been cited for such things to this day. He has created an entire fable around my business and I instead of dealing with reality. He manipulated and had undue influence over potential witnesses having them lie for him to back up his lies. One witness stated he was upset when the officers, presumably at the command of Powell, tried getting him to say he was black marketing animals with me which wasn't true at all.

My licensing was misrepresented causing prejudice against me in the repossession of my animals. There are many more items but those will be included in the Amended Complaint.

James Farquhar and Joe Therrien have been interfering covertly with a case of mine and causing prejudice and conferring with the lawyer for the opposing side concerning my licensing which is being misrepresented. There are also at least two documents written for the defendant about me, the case and my licensing but they will not give me a copy but they have given a copy to the defendant, who was licensed just as I was so we were on equal footing and should have been treated that way.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I sustained no physical injuries related to the actions of the Defendants which necessitated medical attention.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

As a self-represented litigant, I do not know whether many things are within the jurisdiction of the Court or not. Hence, I realize I may request relief that may be inappropriate despite my best efforts to research and seek guidance from attorneys to prevent such inappropriate requests. As a result, I understand that some requests will be denied based on the fact that the Court does not have the ability or jurisdiction to provide certain types of relief I may request.

, Pro Se 15 (Kev. 12/16) Complaint for Violat.

, Civil Kignis (Non-Prisoner)

of regulations or other matters the agencies come up with which may be the focus about which I work with legislators.

B. ORDER for USDA.

- (1) The USDA was dishonest with me in regard to one of my foia requests⁶ for documents⁷ held by their IES department stating that the documents I requested were destroyed as they were kept for only one year, per policy. This is incorrect as IES policy is known to keep documents for six years and the documents are not destroyed and need to be turned over to me.
- (2) It is clear the USDA has used two sets of varying standards between other individuals, especially staff members and other licensees and I. Violations of federal and state laws should be managed consistently and fairly. I ask the Court to mandate the treatment of both staff members and licensees or any other individuals to be by the same standards given the severity of the misconduct. Given the multitude of violations by Tyler Thomas alone, termination of his federal Exhibitor's License should be considered as is the USDA mandating the return of my animals and working with Thomas in returning them to me.
- (3) Staff members like Andrea D'Ambrosio should also be held accountable for the damage she has done to both my business and my personal life with false accusations and colluding with the DEC in terminating licensure so I can never possess animals again. The extremism of this conduct and end-result is especially concerning. I should not be treated like a person convicted of felony animal cruelty, especially when I've never had even so much as a civil violation citing me for such. Staff members on both the state and federal levels should be made accountable.
- (4) I request amendments to my past USDA Animal Welfare inspection reports in which I believe I've been cited incorrectly. For instance, I was cited by D'Ambrosio for not arranging for a person to clean the animal enclosures daily when I was out of state for three days. Yet, when I did exactly that during my surgery in April 2017, she intervened and told the colleague who stole my animals that he should take as many animals as he can without the intention of ever returning them. The USDA should not have an inspector telling a licensee one thing then acting against her when she follows the inspector's instruction to avoid a similar citation under similar circumstances in the future.
- (5) Between the months of March 2020 and August 2020, the USDA staff altered inspection reports of mine by adding the word "CRITICAL" to many of the allegations in the reports which intensifies the alleged violation both with the agency and anyone who reads the report. Altering the reports in this manner is a direct violation of their agency procedure/protocol.

C. ORDER for both agencies; that is, the DEC and the USDA

- (1) Supervisory staff of those who have committed misconduct, both on the state and federal levels, should also be held accountable for failure to address the misconduct and in fact, going along with it and being apart of it instead. Supervisory staff in the DEC would partially consist of James Farquhar, who is the manager of Joseph Therrien of the SLU and Tonya Hadijis, as well as Betty Goldentyer of the Animal Care/Welfare Unit of the USDA-APHIS, were also aware of D'Ambrosio's misconduct and instead of protecting the licensee against the misuse of her position, the supervisors chose to condone it and, like the state agency, go along with and become apart of the misconduct. If staff members were held accountable, such misconduct would be much more of a rarity than it is now.
- (2) to revoke or terminate the licensure of the colleague who boarded my animals, Tyler Thomas. He is in clear violation of federal laws such as <u>The Animal Welfare Act</u>, the <u>Endangered Species Act</u> and the <u>Lacey Act</u> as well as the provisions of his licensing

⁶ foia request denied due to alleged destruction of IES records

⁷ usda documents redacted in foia

⁸ According to Executive

through the USFWS and the USDA. New York State laws which have been violated are numerous ECL and <u>6 NYCRR</u> provisions which forbid the acquirement of animals via unlawful sources (if I was supposedly unlawfully possessing my animals prior to boarding them with Thomas), possessing animals without proper licensing, not documenting export of all animals, including the endangered species in his collection of animals. The DEC writing "orders" for transporting and disposing of my animals occurred after Thomas already had the animals imported into Texas and the animals weren't given to him as they were still owned by me. The state cannot give away property belonging to someone else; especially, in this case, since I was indeed licensed properly to have them for exhibition. For mere possession, the animals do not need to be licensed as they can be apart of a personal collection. The DEC should also be mandated to work with the Texas Parks & Wildlife Department in levying charges against Thomas for the unlawful import,

(3) possession, exhibition, transport, etc. of animals which are supposed to be licensed under Texas conservation law. Lack of documentation and import certificates are also violations. There even was a likelihood Thomas trapped a wild badger and exported the animal out of Texas state without proper licensure. He had a trapping license but that did not authorize him to keep the animal in captivity for his own profit or for any other reason. He is supposed to apply for an additional state license in order to deal in animals caught from the wild in Texas.

His USFWS license should also be revoked since he left a red-tailed hawk in the possession of his family in New York when he moved to Texas with the rest of the animals. Andrea D'Ambrosio, his inspector at the time, helped him out by stating he had "no animals" at his facility when she stopped by for the last inspection of his in 2017 after he had moved to Texas. In fact, he had several animals still in his New York State facility in Alexandria Bay. Him giving the hawk to unlicensed caregivers is a clear violation of the federal Migratory Bird Treaty Act and should cause termination of the USFWS license he has.

There are also several other licensees who have been harboring wildlife and/or exotic animals illegally who should also face termination of licensure, both state and federal.

- A. Staff members of both the state and federal agencies involved should be terminated immediately and forbidden from working, volunteering, or associating themselves with public service agencies ever again.
 - Lieutenant/Captain William Powell and Officer Kevin Thomas should be held accountable for
 violating state conservation laws as well as laws concerning breach of privacy, violation of
 constitutional rights, soliciting and using false testimony, conspiracy, and abusing the legal
 process by using zoning and non-zoning violations in order to destroy my business when there
 was no need to do so, especially in that matter. They should also be held accountable for
 conspiracy, aiding and abetting and failing to investigate and giving false citations to me.
 - 2. <u>Joe Therrien, James Farquhar and Paul Stringer</u> misrepresented my licensing in order to prejudice me in the return of my animals which I own. I had licensing until November 7, 2018 and still possess the federal exhibitor's license so therefore I was licensed to have and exhibit all animals which were yet to be returned to me by the other licensee/my colleague with whom I boarded the animals. All three staff members knew this, and this is why they are acting against my interests and rights secretly passing out documents they have written containing derogatory, mostly likely false, information pertaining to my ownership of my animals, my business and activities, possibly accusing me of animal cruelty, a completely unsubstantiated accusation but one which puts most people in instant judgment against the person against whom such an accusation is made. I cannot be certain if such documents made it to the judge in the Leo v Thomas matter thereby causing the dismissal of the case or if a staff member contacted the judge for the dismissal in order to avoid a jury trial.

Civil Rights (Non-Prisoner)

not authorize him to keep the animal in captivity for his own profit or for any other reason. He is supposed to apply for an additional state license in order to deal in animals caught from the wild in Texas.

His USFWS license should also be revoked since he left a red-tailed hawk in the possession of his family in New York when he moved to Texas with the rest of the animals. Andrea D'Ambrosio, his inspector at the time, helped him out by stating he had "no animals" at his facility when she stopped by for the last inspection of his in 2017 after he had moved to Texas. In fact, he had several animals still in his New York State facility in Alexandria Bay. Him giving the hawk to unlicensed caregivers is a clear violation of the federal Migratory Bird Treaty Act and should cause termination of the USFWS license he has.

Just because he was encouraged to do certain things by government departments doesn't mean he should be considered not to have violated the law. In fact, he is also acting under the color of law by colluding with the DEC and USDA committing unlawful acts and violating a plethora of laws. The the government too should be held accountable for violating the laws; especially when they then hypocritically turn around and make worthless allegations against me for doing so with little to no evidence to substantiate such charges. The state assured my conviction and licensure revocation by prejudicing my opportunity for fair hearings and decision-makers presiding over such hearings.

This is an extremely dangerous agency which revels in its place as a dictator of the people of this state. Countless rights have been denied to the people and because they get deference from the judiciary, they continue to abuse the trust of the public by the unjust and exclusive management of natural resources as well as management of our personal property; the latter of which should not be occurring at all. The Plaintiff in this matter respectfully requests the Court to take such matters into consideration when deferring to this agency if it does at all. In this matter, especially, the agency should not enjoy deference at all as this is energy pushing their unlawful imposition of an agenda of special interests and cruel treatment of the public. It is time the agency finally is held accountable in order to curb their misconduct which they so egregiously perpetrate against anyone exercising his or her rights.

There are also several other licensees who have been harboring wildlife and/or exotic animals illegally who should also face termination of licensure, both state and federal.

- A. Staff members of both the state and federal agencies involved should be terminated immediately and forbidden from working, volunteering, or associating themselves with public service agencies ever again.
 - 1. <u>Lieutenant/Captain William Powell</u> and <u>Officer Kevin Thomas</u> should be held accountable for violating state conservation laws as well as laws concerning breach of privacy, violation of constitutional rights, soliciting and using false testimony, conspiracy, and abusing the legal process by using zoning and non-zoning violations in order to destroy my business when there was no need to do so, especially in that matter. They should also be held accountable for conspiracy, aiding and abetting and failing to investigate and giving false citations to me.
 - 2. <u>Joe Therrien</u>, <u>James Farquhar and Paul Stringer</u> misrepresented my licensing in order to prejudice me in the return of my animals which I own. I had licensing until November 7, 2018 and still possess the federal exhibitor's license so therefore I was licensed to have and exhibit all animals which were yet to be returned to me by the other licensee/my colleague with whom I boarded the animals. All three staff members knew this, and this is why they are acting against my interests and rights secretly passing out documents they have written containing derogatory, mostly likely false, information pertaining to my ownership of my animals, my business and activities, possibly accusing me of animal cruelty, a completely unsubstantiated accusation but one which puts most people in instant judgment against the person against

whom such an accusation is made. I cannot be certain if such documents made it to the judge in the Leo v Thomas matter thereby causing the dismissal of the case or if a staff member contacted the judge for the dismissal in order to avoid a jury trial.

- 3. Andrea D'Ambrosio should be held accountable with unlawful interference with a contract/business relationship and/or opportunity, conspiracy, aiding and abetting, defamation, false accusations, violations of the *Animal Welfare Act* and failure to conduct good-faith investigations concerning the case of stolen animals.⁹
- 4. <u>DEC</u> failure to enforce laws, rules, and regulations. failure to acknowledge redress I attempted and providing or blocking any recourse I could have for relief against unfair treatment by the agency.
- 5. <u>USDA</u> same as for the DEC described in previous paragraph.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

Sworn to

August 23, 2020

Signature of Plaintiff

Printed Name of Plaintiff Carrie M. Leo

Public Notary

before me this 23rd day of November 2020

LAUREN FRIEDL

Notary Public - State of New York

NO. 07FR6383306

Qualified in Wayne County

My Commission Expires Nov 13, 2022

⁹ Even after I requested the Animal Care Division staff to not allow D'Ambrosio close to any information concerning me and my business since she was no longer associated with me as an animal care inspector, the management still put her and her supervisor, Tonya Hadijis, as main contacts for "investigating" the animal care complaints I submitted. Of course, the information I sent in or noted was not even accessed, much less considered as part of the investigation by D'Ambrosio. It makes no sense to put a person who is implicated in a complaint as "investigator" of the complaint. Clearly, they will cover up their involvement and that is exactly what she did.

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS			DEFENDANTS						
Carrie M. Leo			NYSDEC, USDA, Seggos, Powell, Therrien, Perdue, D'Ambrosio & John/Jane Does #1-15						
(b) County of Residence of First Listed Plaintiff Wayne			County of Residence of First Listed Defendant Albany						
(EXCEPT IN U.S. PLAINTIFF CASES)				(IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.					
(c) Attorneys (Firm Name,	Address, and Telephone Numbe	er)		Attorneys (!f Known)					
self-represented	litigant, request for	appointment of		NYS OAG for N	IYSDEC.	Seggos, Pov	vell and Th	nerrien,	
attorney accomp	panies this sheet and	d submitted to the	_	U.S. Attorney -					
Court				TIZENSHIP OF PI				One Por fe	on Diaintiff
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2 U.S. Government Defendant	4 Diversity (Indicate Citizenshi)	ip of Parties in Item III)	Citiz	en of Another State	2 🔲 2	Incorporated and F of Business In A		5	5
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& Enforcement of Judgment 151 Medicare Act	Slander 330 Federal Employers'	Personal Injury Product Liability			820 Cop 830 Pate		450 Comm	erce	iig
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Student Loans (Excludes Veterans)	340 Marine 345 Marine Product	Injury Product Liability			840 Trac		Соптир	t Organiza	itions
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of Veteran's Benefits 160 Stockholders' Suits	350 Motor Vehicle 355 Motor Vehicle	370 Other Fraud 371 Truth in Lending	H"	Act	Act	01 2010	485 Teleph	one Consu	
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REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITION		O Other Labor Litigation		(405(g))	891 Agricu		
210 Land Condemnation 220 Foreclosure	X 440 Other Civil Rights 441 Voting	Habeas Corpus: 463 Alien Detainee	H79	1 Employee Retirement Income Security Act	FEDER	AL TAX SUITS	893 Enviro 895 Freedo		
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State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Direct File 8 Multidistrict Litigation - Direct File 1 Court 1 Cou									
		tute under which you are	e filing (Do not cite jurisdictional stat	tutes unless di	iversity):			
VI. CAUSE OF ACTIO	ON 42 U.S.C. § 1983 Brief description of ca	ance.							
	civil rights violations, in								
VII. REQUESTED IN CHECK IF THIS IS A CLASS ACTION DEMAND \$ CHECK YES only if demanded in complaint: UNDER RULE 23, F.R.Cv.P. DEMAND: Yes No									
VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER									
DATE		SUMATURE OF ATT	ORNEY	DERECARD					
Nov 22, 2020		(Euro	JV (CEO					
FOR OFFICE USE ONLY									
RECEIPT # Al	MOUNT	APPLYING IFP		JUDGE		MAG. JUI	OGE		

The following are two duplicate receipts and summonses if needed by the court.

Case 6:20-cv-07039-FPG Document 30 Filed 05/26/21 Page 79 of 87 ND RETURN

U.S. Department of Justice United States Marshals Service

See "Instructions for Service of Process by U.S. Marshal"

	#					COURT CASE NU	MBER	
PLAINTIFF Carrie M. Leo							20-cv-7	039
DEFENDANT						TYPE OF PROCES		
New York Department of Environmental Conservation & the United States Department of Agriculture and the following INDIVIDUALS in their individual and official capacities: BASIL SEGGOS - DEC Commissioner; WILLIAM POWELL - Lieutenant/Captain, DEC Division of Law Enforcement, JOSEPH THERRIEN - director, Special Licenses Unit, United States Department of Agriculture, ANDREA D'AMBROSIO USDA Animal Care Inspector and John/Jan Does #1-5							Service	
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION United States Department of Agriculture and Andrea D'A ADDRESS (Street or RFD. Apartment No. City, State and ZIP Code) United States Department No. City, State and ZIP Code; ATTN: Civil Processing					mbrosio (Anin partment of Agricu less Clerk eral Counsel - Hea - Room 107W	nal Care Ins		
1					ashington, D. C			
SEND NOTICE OF SERVICE COPY	TO REQUESTE	ER AT NAME A	ND ADDRESS	BELOW		Number of process to served with this Form		
					Number of parties to be served in this case 6			
3199 Walv						Check for service		
	NY 14568					on U.S.A.		
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service): Hours of Operation: Unknown (not found on website) General Phone # (202) 514-2000 email: attorney.general@usdoj.gov								
Signature of Attorney other Originato	r requesting servi	ce on behalf of:	□ PLAIN	TITE	TELEPHONE 1	NUMBER	DATE	
& Jean			*down#	NDANT	(315) 53	38-8316 05/22/2021		2021
SPACE BE	LOW FOR	USE OF U.S.	MARSHAL	ONLY - DO	NOT WRIT	E BELOW THIS	SLINE	
I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 is submitted) Total Process District of Origin Serve No. No.			Deputy or Clerk	Date				
I hereby certify and return that I \(\subseteq \) have personally served, \(\subseteq \) have legal evidence of service, \(\subseteq \) have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.						on the		
☐ I hereby certify and return that I a	m unable to locat	e the individual,	company, corpo	ration, etc. name	d above (See remo	arks below)		
Name and title of individual served (i)	fnot shown above	2)				Date	Time	☐ am ☐ pm
Address (complete only different than shown above)				Signature of U.S. Ma	arshal or Deputy			
		Costs	shown on attach	ed USMS Cost S	iheet>>			

U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court for the Western District of New York

		Civil Action, File Number	20-CV-7039				
TO:	United States Department of Agriculture and Andrea D'Ambrosio ATTN: Civil Process Clerk						
	USDA Office of the General Counsel - Headquarters	Carrie M. Leo					
	Room 107W	v. NYSDEC et al.					
	Whitten Building 1400 Independence S.W.	NISDEC	et al.				
	Washington, D. C. 20250-1400						
The New Yo	enclosed summons and complaint are served pursuant to Ruork State law.	le 4(e)(1) of the Federal Rules of	Civil Procedure, and				
You within 6	MUST COMPLETE the acknowledgment part of this form be 0 days. An envelope has been enclosed for this purpose. Keep	elow, AND RETURN COPIES 1. copy 3 for your records.	AND 2 to the sender				
corporate relations	U MUST SIGN AND DATE THE ACKNOWLEDGMENtion, unincorporated association (including a partnership), or ship to that entity. If you are served on behalf of another per under your signature your authority.	other entity, you must indicate un	ider your signature your				
behalf y	ou do not complete and return copies 1 and 2 of this form to rou are being served) may be required to pay any expenses in permitted by law.	the sender within 60 days, you (or curred in serving a summons and	the party on whose complaint in any other				
answer	ou do complete and return copies 1 and 2 of this form, you (of the complaint within 21 days for private defendants and/or 60 nt by default will be taken against you for the relief demande	0 days for Federal detendants. If	re being served) must you fail to do so,				
	clare, under penalty of perjury, that this Notice and Acknow iled on this date.	ledgment of Receipt of Summons	and Complaint By Mai				
Date of S	ignature	Signature (USMS Official)					
	ACKNOWLEDGMENT OF RECEIPT OF	SUMMONS AND COMPLAIN	NT				
I de manner a	clare, under penalty of perjury, that I received a copy of the summont:	ons and of the complaint in the above	captioned				
Stree	et Number and Street Name or P.O. Box No.	Relationship to Entity/Authority to Re	eceive				
City	, State and Zip Code	Service of Process					
Sign	ature	Date of Signature					

Copy 1 - Clerk of Court

Copy 2 - United States Marshals Service

Copy 3 - Addressee

Copy 4 - USMS District Suspense

USM Form-299 Rev. 05/10 Automated 10/03

UNITED STATES DISTRICT COURT

for the

Western District of New York

Carrie M. Leo, Plaintiff,

-V-

New York State Department of Environmental Conservation & the United States Department of Agriculture and the following INDIVIDUALS in their individual and official capacities: BASIL SEGGOS - Commissioner, SONNY PERDUE - Secretary, WILLIAM POWELL - Lieutenant/Captain, DEC Division of Law Enforcement, JOSEPH THERRIEN - Director, Special Licenses Unit, ANDREA D'AMBROSIO - USDA Animal Care Inspector and John/Jane Does #1-15,

Civil Action No.: 6:20-ev-07039-FPG

Defendants.

SUMMONS IN A CIVIL ACTION

To: United States Department of Agriculture and Andrea D'Ambrosio - Animal Care Inspector

ATTN: Civil Process Clerk

USDA Office of the General Counsel - headquarters

Room 107W
Whitten Building
1400 Independence, S.W.
Washington, D.C. 20250-1400

A lawsuit has been filed against the aforementioned staff of the United States Department of Agriculture.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Carrie M. Leo 3199 Walworth Road Walworth, NY 14568 ph: (315) 538-8316

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

		CLERK OF COURT
Date:	2021	Circulation of Charles a Departs, Charles
		Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No.: 6:20-cv-07039-FPG

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

This summons for the USDA Office of the General Counsell, 2021.	was received by me on (date)	
☐ I personally served the summons on the individual at	(place)	
on (date), 2021; or		
☐ I left the summons at the individual's residence or us person of suitable age and discretion who resides the and mailed a copy to the individual's last known add	ere, on	, a , 20,
☐ I served the summons on (name of individual)		, who is
designated by law to accept service of process on behal	f of (name of organization)	
	on (date)	; or
☐ I returned the summons unexecuted because		; or
Other (specify): My fees are \$for travel and \$ I declare under penalty of perjury that this information		of\$
Date: 2021.	Server's signature	
	Printed name and title	nanananan nananan nana
	Server's address	

Additional information regarding attempted service, etc:

Case 6:20-cv-07039-FPG Document 30 Filed 05/26/21 Page 83 of 87 ND RETURN

U.S. Department of Justice
United States Marshals Service

REMARKS

See "Instructions for Service of Process by U.S. Marshal"

United States Maistrals Service								
PLAINTIFF						COURT CASE NU	MBER	
Carrie M. Leo							20-cv-7	039
DEFENDANT						TYPE OF PROCES		
New York Department of Environmental Conservation & the United States Department of Agriculture and the following INDIVIDUALS in their individual and official capacities: BASIL SEGGOS - DEC Commissioner; WILLIAM POWELL - Lieutenant/Captain, DEC Division of Law Enforcement, JOSEPH THERRIEN - director, Special Licenses Unit, United States Department of Agriculture, ANDREA D'AMBROSIO USDA Animal Care Inspector and John/Jan Does #1-5						Service		
- Of Agriculture, Alvores to 1	TIDITODIO GO							
SERVE AT United States Department of Agriculture and Andrea D'Ambros ADDRESS (Strest or RFD. Apartment No., City. State and ZIP Code) ATTN: Civil Process C USDA Office of the Go 1718 Peachtree Street, Atlanta, Georgia 30300					mbrosio (<i>Anin</i> Process Clerk of the General Co Street, N.W., Sui	nal Care Ins ounsel - Region	epector)	
SEND NOTICE OF SERVICE COPY	TO REQUESTS	R AT NAME A	ND ADDRESS	BELOW		Number of process to		
		240741 2474437				served with this Form 285 2		
Carrie M.						Number of parties to be served in this case 6		
3199 Walv						Check for service		
Walworth, SPECIAL INSTRUCTIONS OR OTHER	NY 14568					on U.S.A.		MINISTER CONTRACTOR OF THE STREET
	Operation: Phone: (40	assumed (4) 347-106	to be 8:30 A		30 P.M. TELEPHONE (315) 53		DATE 05/22/	/2021
× acritis	0		tunnel.		<u> </u>			
SPACE BE	LOW FOR	USE OF U.S	. MARSHAI	ONLY - DO	NOT WRIT	E BELOW THI	SLINE	
I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve No.	Signature of A	uthorized USMS	Deputy or Clerk	Date	
I hereby certify and return that I _ I individual, company, corporation, etc	., at the address s	hown above on I	the on the individ	ияг, сопциану, ск	лрогацоц, есс. во	OWII at the nontees me	e process described serted below.	i on the
☐ I hereby certify and return that I a	m unable to local	e the individual	, company, corpo	ration, etc. name	d above (See rem		T	
Name and title of individual served (f not shown abov	e)				Date	Time	
Address (complete only different than shown above) Costs shown on attached USMS Cost Sheet >>				Signature of U.S. M	arshal or Deputy			
		Costs	snown on <u>attaci</u>	EU COMO COSE	TUER			

U.S. Department of Justice **United States Marshals Service**



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court for the Western District of New York

			20 651 7020			
TO:	United States Department of Agriculture and Andrea D'Ambrosio ATTN: Civil Process Clerk		Civil Action, File Number20-CV-7039			
	USDA Office of the General Counsel-Regional Office	Carrie M. I	Leo			
	1718 Peachtree Street, N.W., Suite 576 Atlanta, Georgia 30309-2409	v. NYSDEC et al.				
		TO DE C				
	enclosed summons and complaint are served pursuant to Rork State law.	ule 4(e)(1) of the Federal Rules of	Civil Procedure, and			
You within 6	MUST COMPLETE the acknowledgment part of this form to days. An envelope has been enclosed for this purpose. Keep	pelow, AND RETURN COPIES 1 and copy 3 for your records.	AND 2 to the sender			
corporat	U MUST SIGN AND DATE THE ACKNOWLEDGME tion, unincorporated association (including a partnership), of ship to that entity. If you are served on behalf of another pe under your signature your authority.	r other entity, you must indicate un	der your signature your			
behalf y	ou do not complete and return copies 1 and 2 of this form to ou are being served) may be required to pay any expenses in permitted by law.	the sender within 60 days, you (or neurred in serving a summons and	the party on whose complaint in any other			
answer 1	ou do complete and return copies 1 and 2 of this form, you (the complaint within 21 days for private defendants and/or of the taken against you for the relief demands	60 days for Federal defendants. If	re being served) must you fail to do so,			
	clare, under penalty of perjury, that this Notice and Acknowled on this date.	rledgment of Receipt of Summons	and Complaint By Mail			
Date of Si	gnature	Signature (USMS Official)				
	ACKNOWLEDGMENT OF RECEIPT OF	F SUMMONS AND COMPLAIN	T			
I dec	clare, under penalty of perjury, that I received a copy of the summ at:	ons and of the complaint in the above	captioned			
Stree	et Number and Street Name or P.O. Box No.	Relationship to Entity/Authority to Re	eceive			
City,	State and Zip Code	Service of Process	-			
Sign	ature	Date of Signature				

Copy 1 - Clerk of Court Copy 2 - United States Marshals Service

Copy 3 - Addressee

Signature

Copy 4 - USMS District Suspense

USM Form-299 Rev. 05/10 Automated 10/03

UNITED STATES DISTRICT COURT

for the

Western District of New York

Carrie M. Leo, Plaintiff,

New York State Department of Environmental Conservation & the United States Department of Agriculture and the following INDIVIDUALS in their individual and official capacities: BASIL SEGGOS - Commissioner, SONNY PERDUE - Secretary, WILLIAM POWELL - Lieutenant/Captain, DEC Division of Law Enforcement, JOSEPH THERRIEN - Director, Special Licenses Unit, ANDREA D'AMBROSIO - USDA Animal Care Inspector and John/Jane Does #1-15,

Civil Action No.: 6:20-cv-07039-FPG

Defendants.

SUMMONS IN A CIVIL ACTION

To: United States Department of Agriculture and Andrea D'Ambrosio - *Animal Care Inspector*

ATTN: Civil Process Clerk USDA Office of the General Counsel - Regional Office 1718 Peachtree Street, N.W., Suite 576 Atlanta, Georgia 30309-2409

A lawsuit has been filed against the aforementioned staff of the United States Department of Agriculture.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Carrie M. Leo 3199 Walworth Road Walworth, NY 14568 ph: (315) 538-8316

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

OF COURT
Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No.: 6:20-cv-07039-FPG

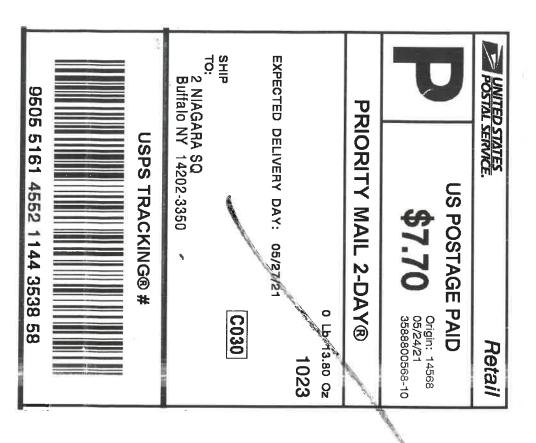
PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

This summons for the <u>USDA Office of the General Counsel</u> was re, 2021.	ceived by me on (date)				
☐ I personally served the summons on the individual at (place)_					
on (date), 2021; or					
I left the summons at the individual's residence or usual place of abode with (name)					
and marice a copy to the marriage of the					
☐ I served the summons on (name of individual)			, who is		
designated by law to accept service of process on behalf of (nan	me of organization)				
or	1 (date)	; or			
☐ I returned the summons unexecuted because			; or		
☐ Other (specify):					
My fees are \$for travel and \$	_for services, for a total of \$_	 			
I declare under penalty of perjury that this information is true.					
Date: 2021.	Server's signature	ranno			
	perver 3 signame				
	Printed name and title	www.			
	Server's address				

Additional information regarding attempted service, etc:

Walworth, NY 14568 3199 Walworth Road Carrie M. Leo



MAY 26 2021 BUFFALC

20-CV-7039

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Judge Frank P. Geraci , Jr.
U.S. District Court of the Western District of NY 2 Niagara Square Buffalo, NY 14202-3350

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